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An Historical

TREATISE

OF

CITIES,

AND

Burghs or Boroughs.

SHEWING

Their Original, and Whence, and from Whom they Received their *Liberties*, *Privileges*, and *Immunities*; What they were, and what Made and Constituted a *Free Burgh*, & *Free Burgesses*.

AS ALSO SHEWING

When they first sent their Representatives to *PARLIAMENT*.

WITH A

Concurrent Discourse

Of most Matters, and Things Incident, or Relating thereto.

By *ROB. BRADY*, Doctor in Physick.

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THE PREFACE TO THE READER.

WHEN for my own private Satisfaction I first began to inquire into the Original Constitution of Burghs, in this and Foreign Nations, what they were, and whence their great Liberties, and Privileges. In our Ordinary Writers, whosoever they were, that discourſed of them as they came in their way, I found little elſe but Preſcription, and pretended Uſage and Poſſeſſion time out of Mind, vouched for the great Independent Rights they have claimed, and do challenge.

And truly by the Notion theſe Writers have, and their Readers cannot but have, of them, according to their Informations, they ſeem to have been Æternal, *or at leaſt* Coæval *with the Creation, and ſo many ready Wrought, and Framed, ſmall Commonwealths, lifted out of the* Chaos, *and fixed upon the ſurface of the Earth,* with their VValls, Gates, Town or Gild-Halls, Courts, Liberties, Cuſtoms, Privileges, Freedoms, Juriſdictions, Magiſtrates and Officers, in their Formalities, *and* all Extravagant, Uncontroulable, *and* Abſolute Powers, *and* Abſurd Rights, *they have of late Years pretended to.*

But, whoever will ſeriouſly peruſe this Treatiſe, *ſhall find the* Dates *of their* Originals, *and* Gradual Augmentations, *and muſt confeſs they have nothing of the Greatneſs and Authority they boaſt of, but from the Bounty of our Ancient* Kings, *and their* Succeſſors, *notwithſtanding any other* Confirmations, *or* acquired Right, *they may allege, and acknowledge that*

* See Appendix N. I. fol. 6. B. C. D. E. F. and fol. 7. A. B. C. D. E.

* *Prescription, and pretended Immemorial Customs or Usages avail not, when there are* Charters *or other* Records *which shew, that in this case (of what weight soever they may be in other,) they are mere Conjectures, Words of Course, and the Popular Assertions of such Men, as either knew not how, or would, or for their more gainful Imploym.nts could, not look into those great Monuments of Antiquity, and discoverers of Truth.* A

And therefore I have opposed matter of Fact, through the whole discourse, to these fond Imaginations, and easie Notions, and for the clearer Demonstration of what I intended to Evince, have produced all the Instances of Cities, Burghs, *and* Towns *in both the Books called* Domesday-*Books, from whence I could receive any Satisfaction of the* Condition *and Import of* Burghs *and* Burgesses *in the Saxon Times; without any particular Deductions from these Instances, or Remarks upon them.* B

'Tis easie for any Man that will but note them to observe, that according to the Modern way of Speaking, they then made but a small Figure in the Nation; to be sure the Burghs *were not distinct Commonwealths, or Governments, nor the* Burgesses *Statesmen, or People of much Interest, whatsoever some Popular and Factious Writers, who Scrible by Rote, and according to their own Fancies, have delivered to the contrary.* C

Many other places not Named in this Treatise, are either called Burghs *in the Conquerors Survey, or there are* Burgesses *mentioned in the Description of them; several of which are not now esteemed* Burghs, *nor is there any Light or Information to be had from them, what* Burghs *or* Burgesses *then were, as* Torchsey, Louth, *and* Stanford *in* Lincolnshire, Stainings *in* Sussex, Sceptesbury *or* Shaftsbury *in* Dorsetshire, Domnitone *or* Dountone, Theodulveside, Saresberie, Wilton, Malmesbury, Chrichlade, *and* Caun *in* Wilts. Lideford *and* Totnesse *in* Devon, Colcester *and* Maldon *in* Essex, Winchelcumb *in* Glocestershire, Hereford, Snottingham, *or* Nottingham, *these have the* bare Names *only of* Burghs, *or some* Burgesses *are said to have lived in them, without any thing relating to their Quality, or Condition.* D E

London *and* Winchester *are not described in this Survey, in* Worcester, Derby, *and* Lincoln, *the Name of* Burgess *not mentioned.* Bristol *not to be found in the Survey, it was made a City and County* 47 Ed. 3. *though a* Burgh *long before,* Bridgewater *not to be found there, nor* Minehead, Lin *or* F

Len

Len *in* Norffolk *only mentioned, but not as a* Burgh; *or Town of note.*

'Tis only ſaid of Glocestre. Tempore Regis Edwardi [1] Reddebat Civitas de Glowceſtre XXVI Lib. numeratas & XII Sextaria Mellis ad menſuram ejuſdem Burgi, *in the time of King* Edward, *the City of* Gloceſter *paid Thirty Six Pounds by Tale, and Twelve Sextaries or Gallons of Honey, according to the meaſure of the ſame* Burgh, *nothing further of this Burgh or any Burgeſſes therein.*

[1] Domeſd. f. 126. Col. 1.

And of Leiceſter *thus.* Civitas de [2] Ledeceſter Tempore Regis Edwardi reddebat *per* annum Regi XXX Lib. ad numerum & XV Sextaria Mellis. Quando Rex ibat in Exercitu per Terram de ipſo Burgo XII Burgenſes ibant cum eo. Si vero per Mare in hoſtem ibat, mittebant ei quatuor Equos, de eodem Burgo uſque Londoniam ad Comportanda Arma, & alia quæ opus Eſſent. *That is, The City of* Leiceſter *in the time of King* Edward *paid yearly to the King Thirty Pounds by Tale, and Fifteen* Sextaries *of Honey, when the King marched with his Army by Land, there went with him Twelve Burgeſſes of this* Burgh, *when he went by Sea againſt an Enemy, he had Four Horſes ſent from the ſame Burgh to* London *to carry Arms, or other Neceſſaries; nothing more of this* Burgh, *or its* Burgeſſes *in the Survey.*

[2] Ibid. f. 230. a. Col. 1.

We may note from both theſe laſt Towns, there was not then much difference between a City *and* Burgh, *both Appellations being given to one and the ſame Town;* Leiceſter *never had* * *Biſhops, and at this time* Gloceſter *had none, the great diſtinction grew, after* Cities *were made* Counties *by Charter.*

* Sir *Edward Coke*, ſays, all Biſhops Sees are Cities, &c.

Nor was the Condition of London (*unleſs Men would think otherwiſe from the largeneſs of the place only,*) *much better or the* Liberties, *and* Privileges *of it, more, or much greater than thoſe of other* Cities, *and great* Burghs. *Notwithſtanding the Prodigious Flatteries, and Elevating Harangues, it hath been puffed up with by the Author of* Londinum * Triumphans, *Printed and Dedicated to the Men in Authority, in the Year* 1682. *And by the Writings of many others, Ancient and Modern, who either on purpoſe, or occaſionally, wrote what they found concerning this City, without Examination, and ſo were Deluded by ſuch as went before them, or by their own Imaginations, or Apprehenſions. Judging of its former State and Condition, (or at leaſt what in their Opinion it ought to be,) according to the preſent Splendor, and Appearance of it.*

* A Book compoſed of Fables, and the Perverted Hiſtory of ſome good Authors.

And

And to Demonſtrate what I have here ſaid, I cauſed the Charters *made to the* City *of* London, *by* Henry *the Firſt*, Henry *the Second*, Richard *the Firſt*, *and King* John, *to be Printed in the Appendix*, N. 17. *and* 18. *And likewiſe the* Charters *of* Wincheſter, Lincoln, York *and* Norwich *Granted in the ſame Times, by comparing of which one with another, there will be found but little difference in their* Compoſitions, *or in the* Immunities, Liberties, *and* Privileges *Granted by them. Except that, the* Citiſens *of* London *by the Kings Grant, had Power, and Liberty to* Diſtrein *the* Goods *of any other* Citiſens, *or* Burgeſſes, *or of any* * Inhabitants *of the* Counties, *where ſuch Foreign* Citiſens *or* Burgeſſes *lived, that were indebted to them, if found in* London, *as is to be ſeen in the* Charter *of King* Henry *the Firſt*, N. 17. *f.* 27. *A. and the Confirmation of it in General Words, in all the* Subſequent Charters, *before noted, whereas the* Citiſens *and* Burgeſſes *of other* Cities, *and* Burghs, *by their* Charters, *had not Power to* Diſtrein *the* Goods *of a* Country-Man, *or* Inhabitant *of the* County *for their* Debts, *if they were not* * Debtors *to them, or* * Sureties *for others.*

* See the Charter of *Dunwich* N. 3. b. f. 11. A.

* See *Dunwich* Charter as above. The like in many other Ancient Charters of Burghs.

The Cities *of* Norwich, *and* Lincoln, *had* all *the* Liberties *and* Free-Cuſtoms, *of the* City *and* Citiſens *of* London, *in ſuch manner as when they did beſt, and moſt freely enjoy them. See Appendix* N. 20. and 22. *Yet never pretended to, then, ſuch unthought-of Liberties.*

And after theſe times, whoever will take the pains to read all the Charters *of* London, *(Tranſlated into Engliſh by S. G. Gent. (though not ſo exactly as he pretends,) and Dedicated to Sir* Robert Clayton, *when* Lord Mayor,) *which were Granted by King* Henry *the Firſt, and our* Succeſſive Kings, *will find, that all the* Great Privileges *and* Liberties, *that* City *lately enjoyed or pretended to, were the* Grants *of the* Kings *Progenitors; and alſo find them* Succeſſively, *and* particularly *Granted, as the* Citiſens Petitioned, Bargained, *or* Compounded *for them. And therefore no Reaſon for them to plead Immemorial Cuſtom, or Preſcription for all, or moſt things, that might have been* found *Granted by* Charter, *if thoſe imployed had had Time, or Will, to have Induſtriouſly peruſed them.*

A TREATISE OF English Burghs, OR BOUROUGHS.

ISAAC CAUSABON in his Comment upon *Strabo*, and others will have the Greek πύργος, and the Latin *Burgus* to be the ſame, and the later to be derived from the former, and ſo to ſignifie a *Tower*, a *Caſtle*, or *City*. He adds, That the *Thracians* and *Macedonians* pronounced the word βύργος in ſtead of πύργος.

Cluverius in his [1] *Germania Antiqua*, contradicts *Cauſabon*, and aſſerts *Burg* to be a pure *German* word, and that it ſignifies, The *Placing* or *Situation* of many Houſes together, which was called a *Vicus* or Street, or *Rows* of Houſes cloſe to one another. Not that every *Vicus*, *Street*, or *Congregation* of Houſes was a *Burg*, but ſuch only as were the *Head* or *Chief* of ſome

[1] F. 89, 90.

Burg a German word.

Tuun, Ton, Tun, Town, Tune, what they were.

Country or *Nation*; as **Batenburg** was the chief Town of the *Batavi*, &c. And further notes, That the word in its moſt ancient ſignification *denotes* an **Incloſure** or **Hedge**, which was otherwiſe called **Tuun** or **Tupn**, in the ſame ſenſe as we anciently uſed *Ton*, or *Tun*, and now do *Town*, and the Scots *Tune*: Which by the French are rendred *Bourg* or *Bourgade*. To this purpoſe [2] *Luitprandus* (who lived about the year 940.) ſpeaking of the *Burgundians*, ſays, *Ipſi Domorum Congregationem quæ Muro non Clauditur* **Burgum** *vocant*, They called a *Congregation* of Houſes which were not *incloſed* with a *Wall*, a *Burg*. That is, it was a great Town, not Walled about. A

[2] Ibidem.

Burgs why ſo called.

Du Freſn in his *Gloſſary* agrees with *Cluverius*, and ſays, The *Latins*, *French* and *Germans* at firſt called *Numbers* of Houſes joyned together *Burgs*, from whence their great Towns had the ſame Name, and that afterwards many *Towers* and *Caſtles* were built for the Security of thoſe Towns againſt the Attempts of Enemies, which were alſo called *Burgs*, which is proved by the Termination of many *German* Towns in *Burg*; and therefore aſſerts the word to be rather *French*, or *German*, than *Greek*. B

Bergh or *Berg* what it ſignifies.

Wendelin in his *Salic Gloſſary* of *Atuatic* Words informs us, That **Bergh** or **Berg** ſometimes ſignified *Receptaculum*, a place of Receit, as in **Mallo-bergum**, a word derived from **Mallus** or **Mallum**, a Convention for the Determining of Law-Caſes, and **Berg** the Houſe or Place where it was kept. So in the *Laws* of the [3] **Lombards**, *Volumus utique, ut Domus à Comite, in loco ubi Mallum tenere debeat, conſtituatur, ut propter Calorem Solis, & pluviam publica utilitas non remaneat*. We will, That a *Houſe* be built by the *Earl* where the *Mall* or *Aſſiſes* ought to be holden, leſt the *Public Benefit* be hindred or put off, by the *heat* of the *Sun*, or *Rain*. Alſo in the [4] Capitulars, *Ut in loco ubi Mallos publicos habere ſolent, Tectum tale Conſtituatur, Quod in hiberno & Eſtate Obſervatum eſſe poſſit*. We will, That in the place where *Public Malls* or *Law-Conventions* ought to be kept, there may be ſuch a *Roof* or *Covering* provided, as they may be *holden* in *Winter* and *Summer*; in this ſenſe **Pierberg** is now an *Inn*, or Houſe of Common Receit: which was at firſt a place of Receit for Souldiers, (from *Here* an *Army*, and *Berg* as before) and ſet upon the *Public Roman* ways. Whence the ſame Author explaining the word **Berg**, ſaith, That in the Compoſition of **Walberg**, *&c. Non ſignificat Montem aut Tumulum, ſed Receptaculum & Tutamen adverſus Tempeſtatum injurias, &c.* It doth not ſignifie an *Hill*, or *Hillock*, *Barrow*, *Tomb* or *Grave*, but a place of *Receit* and *Security* againſt the *Injury* of *Weather*. *Unde Burgen & Bergen eſt Tegere ac Tueri, &c.* from whence *Burgen* and *Bergen* ſignifie to Cover and Defend: And from thence **Halsberg** in Dutch, is an *Iron Gorget* or *Collar* to Defend the Neck. **Heutberg**, and **Haut** or **Hauberg** an *Iron Helmet* to Defend the Head, and **Bainberg** *Iron Boots* to Defend the Legs. C D E F

[3] Lib. 2. Tit. 45. c. 27.

[4] Lib. 3. Tit. 57.

Burg ſignifies a City, Borough or Town Corporate.

Somner in his *Saxon* Dictionary tells us, That **Burg** ſignifies a *City*, *Fort*, *Fortreſs*, *Tower*, *Caſtle*, a *Bourough*, *Free-Bourough* or *Town Corporate*, and Cites *Otfrid* for its Derivation from the *Saxon* **Beorgan** *in Tutum recipere, ſervare*, to preſerve and keep in ſafety.

The

The Author of the [5] Court-Law of *Norwey* gives the same sense of the word **Burch, Burgh, Borgh. Burgum**, *Munimentum, locus Editus, & Munitus, ad salutem hominum.* A **Bergben** *in Tutum recipere, servare.* [5]P.708.709.

And whether **Burgh** was taken for a place of *Strength*, or a place A of *Trade*, as it was *Guarded* with the *Liberties* and *Priviledges* granted by Princes, then (and perhaps now) altogether necessary to the *advantage* of *Buying*, *Selling*, and *Trading*, by which Tradesmen quietly and without disturbance enjoy the Benefit of it, **Burghs** might truly be called *Places* of *Safety*, *Protection* and *Privilege*. But enough of the *Notation* of the word. I shall proceed to shew what *Cities* and *Burghs* were, in reference to Trade and other Matters, and of what Value and Reputation the *Inhabitants* or *Burgesses* were in B the *Saxon* Times, and afterwards; when they became *Parlement-Burghs*.

Norfulc [6] *Rex.*

[6] Little Domesday, fol. 118.

Est Hund. de Flec.

C *Gernemva tenuit Rex Edwardus * semper* LXX *Burgenses*, King *Edward* held *Yarmouth*, there were always 70 *Burgesses*. And there is in the *Survey* it self nothing further said of these *Burgesses*, what *they* or their *Condition* was. But in a Controversie [7] that happened between the *Burgesses* of *Yarmouth* and the *Tenents* of the *Maner* of *Luthinglond* in *Gorlston* and little *Yarmouth*, in the 12th of *Henry* the Third, about *Lading* and *Unlading* of Goods, it appears they were *Merchants* and *Traders* at Sea, and upon the Water. That the *Kings* of *England* kept this *Burg* in their own Hands, and *received* by their Officers the *Profits* of the *Port*, until the time of *King John*, who in the 9th year of his Reign [8] Granted the *Burg* in D *Fee-Farm* to the *Burgesses* for ever, at the Rent of Fifty Five Pounds by the Year to be paid by the *Provost* or *Bayliff* of **Yarmouth**, and *Granted* they should yearly chuse a *Bayliff* amongst themselves, fit both to serve him, and themselves.

Yarmouth. — was a Burgh in Edward the Confessors time

* *i. e.* as well in the time of King *Edward*, as at the time of making the Survey.

[7] Append. N. 1.

[8] Append. N. 2,

E [8] *Norfulc.*

[8] Domesday *ut supra:*

Hundred de Tetford Terræ Regis in Tetford, &c. After an Estimate made of the Lands and Mills belonging to the *King* and *Earl* or *Sheriff*, it follows.

F *In Burgo autem erant* DCCCCXLIIII *Burgenses Tempore Regis Edwardi, de his Rex omnem consuetudinem habet. De istis hominibus erant* XXXVI *ita* **Dominici** *Regis Edwardi, ut non possent esse homines Cujuslibet, sine licentia Regis; Alii omnes poterant esse homines Cujuslibet, sed semper tamen Consuetudo Regis remanebat præter* **Perigete**. *Modo sunt* DCCXX *Burgenses &* CCXXIIII *Mansuræ vacuæ. De istis Burgensibus* XXI *habent* VI *Carucatas &* LX *acr. quas tenent de Rege, &c.* That is, In the *Burg* there were 944 *Burgesses* in the Time of *King Edward*, and the *King* had all the *Custom* they paid, or had of them

Thetford. — was a Burg in Edward the Confessors time

all *ſorts* of Cuſtom, of thoſe Men there were 36 ſo much under the Power of *King Edward*, or ſo much his *Vaſſals*, as they could not be the *Vaſſals* of, or have any other Man to be their *Patron*, without his *Licence*, all the other might put themſelves under the *Patronage* or *Protection* of any other Lord. But ſo as their Cuſtom always remained to the King, except only the *Hereot*. Now there are 720 *Burgeſſes*, and 224 Houſes or Dwellings void. Of theſe *Burgeſſes* 21 have ſix Plough-Lands and 60 Acres, which they held of the King, *&c.* A

Terræ [9] Roberti Malet *in Sudfulc.*

[9] Ibid. f. 304. & f. 311. b.

Dunwich. in E. Thr Conf.r him

Dunewic [9] *Tenuit* **Edricus** *de* **Leſefelde** *T. R. E. pro uno Manerio, & modo* **Robertus Malet** *Tunc* II *Caruc. Terræ, modo* I, *Mare abſtulit aliam, & ſemper* I *Car. in Dominio Tunc* XII *Bordar. Modo* II *&* XXIIII *Franci homines de* XL *acr. Terræ, & omnem conſuetudinem reddunt huic Manerio, & Tunc* C *&* XX *Burgenſes, & modo* CCXXXVI. B

Edric de Leſefelde held **Dunewic** in the time of *King Edward* for one Maner, and now **Robert Malet** holds it. Then there were two *Plough-Lands*, now one, the Sea hath waſhed away the other, and there was alway one *Plough-Land* in *Demeaſn*, then twelve *Bordars*, now two, and 24 *French*, or *Free-Men*, each 40 Acres, who *pay* all *Cuſtom* to this *Maner*, and then 120 *Burgeſſes*, and now 236, *&c.* C

For the *Quality* of this *Burg* and the *Condition* of the *Burgeſſes*, ſee the *Grant* and *Confirmation* of their *Liberties*, 1 *Johannis* in the * Appendix, N. 3.

* Append. N. 3.

[1] Domeſday *ut ſupra*, f. 118. a.

[1] *Norfulc.* D

Norwich. in E. Thr Conf.r him

Franci de Norwic. In Novo Burgo XXXVI *Burgenſes &* VI *Anglici, & ex Annua conſuetudine reddebat unuſquiſque* 5 d. *præter Forisfacturas, de hoc toto habebat Rex Duas partes, & Comes Tertiam. Modo* XLI *Burgenſes Franci in Dominio Regis & Comitis, & Rogerus Bigot habet* L, *& Radulfus de Bellofago* XIIII, *& Hermerus* VIII, *& Robertus Arbaliſtarius* V. *& Fulcherus homo Abbatis* I *& Iſac.* I *& Rad. Viſo Lupi* I *& in Priſtrino Comitis* III. And then it follows, *Tota Terra Burgenſium erat in Dominio Comitis, &* * *Rad. Conceſſit Regi in Commune ad faciendum Burgum inter ſe & Regem ut Teſtatur Vicecomes, & omnes Terræ iſtæ tam Militum, quam Burgenſium reddunt Regi ſuam Conſuetudinem.* E

* *Ralph de Guader* that Rebelled againſt the Conqueror, *&c.*

There were 36 *French-Burgeſſes* in *Norwich*, in the New *Burg*, and ſix Engliſh, and every one paid an Annual Cuſtom of 5 *d.* beſides their *Mulcts* or *Forfeitures*. The King had two parts of the whole, and the Earl the third part. Now there are 41 *French Burgeſſes* Vaſſals to the *King*, and *Earl*; and **Roger Bigot** hath 50, and *Ralph de Belleſago* hath 14, and *Hermer* 8, and *Robert* a Manager of Battering Engines 5, *Fulcher Vaſſal* to the Abbat 1, and *Iſaac* 1, and *Ralph Wolfs-face* 1, and three in the *Earls* Bake, or Grinding-Houſe. All the Land of the Burgeſſes (in the New Burg) was the *Demeaſn* of *Earl Ralph*, who Granted it to the King in *Commune* with himſelf, F

ſelf, to * make a *Burg*, to be (that is the Profits of it) between him and the King; and all thoſe Lands which were the *Knights* or *Burgeſſes* paid their Rent to the King.

* This was the *Caſtle*, or the Land about the Caſtle, which was within its outmoſt Ditch, or within its more immediate Juriſdiction.

Norfulc.

A In the old City, or Burg.

In [2] *Norwico de* MCCXXXVIII *Burgenſibus Rex & Comes habent Socam, Sacam, & conſuetudinem, de* L *Stigandus habuit Socam, Sacam & Commendationem, de* XXII *Heroldus habuit Socam, Sacam & Commendationem, & unus eorum ita Dominicus eſſet ut non potuit decedere vel homagium facere ſine ejus Licentia.*

[2] Domeſ. *ut ſupra*, f. 116.

B In *Norwich* the *King*, and *Earl* have the Juriſdiction and Cuſtom of 1238 *Burgeſſes*, **Stigand** had the *Juriſdiction* and *Protection*, or Money for the *Protection* of 50, and *Herold* of 22; whereof one was ſo much his *Vaſſal*, as he could not depart or do Homage to any other, without his Licence.

[3] *Deveneſcire.*

[3] Great Domeſd. Book f. 100. a. Col. 1.

C *In Civitate Exonia habet Rex* CCC *Domus* XV. *minus reddentes Conſuetudinem, in hac Civitate ſunt vaſtatæ* XLVIII *Domus poſtquam Rex venit in Angliam. Burgenſes Exoniæ urbis habent Extra Civitatem Terram* XII *Carucat. Quæ nullam Conſuetudinem reddunt niſi ad ipſam Civitatem.*

Exceſter. in Edward the Confeſſors time

In the City of *Exceſter* the King hath 315 Houſes more or leſs paying Rent in this City, 48 lying waſt, ſince the *King* came into D *England*. The *Burgeſſes* of the *City* of *Exceſter* have 12 Plough-Lands without the *City* which pay no Cuſtom, or Rent, unleſs to the *City* it ſelf.

This is all that is to be found in the *Deſcription* of *Exceſtre*, concerning the *Inhabitants* or *Burgeſſes* of that place.

Terra [4] *Regis.*

E [4] Ibid. Col. 2.

Rex habet Burgum Barneſtaple, Rex Edwardus habuit in Dominio ibi ſunt intra Burgum XL *Burgenſes &* IX *ſunt Extra Burgum, inter omnes reddunt Regi* XL *Sol. ad penſum,* * *Epiſcopo Conſtantienſi* XX *Sol. ad numerum.* This is all of this Burg, and its Burgeſſes.

Barneſtaple. in Devon Confeſſors time

* He was probably their Protector, or Patron.

The King hath the *Burg* of *Barneſtaple*, King *Edward* had it in F *Demeaſn*, there are within the *Burg* 40 *Burgeſſes* and nine without, amongſt them all they pay the King 40 s. by weight, and the *Biſhop* of *Conſtance* 20 s. by Tale.

Rex habet [5] *Burgum Lideford, Rex Edwardus Tenuit in Dominio, ibi ſunt* XXVIII *Burgenſes intra Burgum &* XL. *Extra, Inter omnes reddunt Regi* LX *Sol. ad penſum, & habent* II *Caruc. Terræ Extra Burgum.*

Lideford. [5] Ibid. in Ed: Confeſſor time

The

The King hath the *Burg* of *Lideford*, King *Edward* held it in *Demeasn*, there are within the *Burg* 28 *Burgesses*, and 41 without, amongst them all, they pay the *King* 60 s. by *Weight*, and they have two *Plough-Lands* without the *Burg*, this is all of this *Burg*, and its *Burgesses*.

[6] *Berroche Scire.*

In Burgo de Walingford habuit Rex Edwardus VIII *Virgatas Terræ, & in his erant* CCLXXVI * *Hagæ reddentes* XI *Lib. de Gablo, &c.* In the *Burg* of *Walingford* King *Edward* had eight *Virgates* of Land, upon which were 276 *Hages* or Houses, paying eleven Pound Rent. The rest of the *Description* of this *Burg* is a long and rude *Catalogue* of all the *Hages* or Houses belonging to this Town, and their Owners being either in *Barkshire* or *Oxford-shire* sides. With their *Rents* or *Customes*, many whereof belonged to Forreign Maners, not one word of any *Burgesses* in the Survey. But by the *Charter* of King [7] *Henry* the Second, there were many and large *Liberties* and *Priviledges* granted them by the Name of *Burgesses* of *Walingford*.

[6] Domesd. *ut supra*, f. 56. a Col. 2. *Walingford.*

* From the Saxon *Haegh* a House, which was commonly Ditched, or Hedged about, whence our word Haye, or Hey.

[7] Append. N. 4.

[8] *Sudfolc.*

De Dimid. Hund. de Gepeswit.

In Burgo erant Tempore Regis Edwardi DXXXVIII *Burgenses reddentes consuetudinem Regi, & habebant* XL *acr. Terræ. Modo vero sunt* CX *Burgenses, qui consuetudinem reddunt, &* C *pauperes Burgenses, qui non possunt reddere ad Geltum Regis nisi unum Denarium de suis Capitibus &* CCCXXVIII. *Vastatæ sunt, &c.* In the *Burg* of *Gipswic*, or *Ipswich*, there were in the time of *King Edward* 538 *Burgesses* which paid Custom to the King, and had 40 Acres of Land, now there are only 110 *Burgesses* which pay Custom, and 100 *poor Burgesses*, which can only pay one Penny a Head, and 328 *Mansions* lye waste; nothing more of this Town as a *Burg*, or of its *Burgesses*.

[8] Little Domesd. f. 290. a.

Ipswich. in Edward the Conf^r time

Sudfulc.

Terra [9] Roberti Malet. Hund. de Hertesmera.

Ejam Tenuit Edricus XII *Car. Terræ T. R. E. Modo Tenet R. in Dominio, &c. Et modo* [1] *mercatum, &* [1] *Parcus, & in Mercato Manent* XXV *Burgenses. Huic Manerio pertinent* XLVIII *socmani* CXXI *acr. Terræ. Ex his socmannis sunt* XXXVII *in Dominio, &c.*

[9] Domesd. *ut supra*, f. 319. b. *Eye.*

Eye. in Edward the Conf^r time

The Land of *Robert Malet*, in the Hundred of *Hartesmer*.

Edric held *Eye*, there were 12 *Plough-Lands* in the time of *King Edward*, now *Robert* holds it in *Demeasn, &c.* And now there is a *Market*, and a *Pound* for *Cattle*, or rather a *Park* for Deer. And to the *Market* belong 25 *Burgesses*. To this *Maner* there belonged 48 *Socmen*, who had 121 Acres of Land, of these *Socmen* there were

37 in *Demeasn*, or the Lords Vassals. This is all concerning the *Burgesses* of this Town.

[1] *Bochingham Scire.*

A *Bochingham* [1] *cum Bortone pro una Hida se defendebat T. R. E. & modo similiter facit. Terra est* VIII *Caruc. in Dominio sunt* II *& Villani habent* III *Car. & Dimid. & adhuc Due & Dimid. possunt fieri. Ibi sunt* XXVII *Burgenses &* XI *Bordar. &* II *Servi, Ibi.* I. *Molin. de* XIIII *Sol. Pratum* VIII *Car. pastura ad Pecuniam Ville. In totis valentiis T. R. E. reddebat* X *Lib. ad Numerum, Modo reddit* XVI *Lib. de albo argento.*

[1] Great Domesd. Book, f. 143. Col. 1. *Buckingham.* in Edward the Confr. time

B *Ecclesiam hujus Burgi Tenet Remigius Episcopus & Terram* IIII *Caruc. Quæ ad eam pertinet ibi sunt* IIII *Carucæ &* III *Villani &* III *Bordar. &* X *Cotar. Et* I *Molin.* X *Solidor. Pratum* II *Car. Nemus ad sepes, valet & valuit* VI *Lib. T. R. E.* VII *Lib. hanc Ecclesiam Tenuit Willielmus Episcopus de Rege E.*

In hoc Burgo Episcopus Constantiensis habet III *Burgenses quos tenuit Wluvard filius Eddeve hi reddunt* VI *Sol. &* VI *Denar. per annum & * Regi reddunt* XI *Denar.*

C

* Q. Whether this *not Geltum Regis*, which is frequently said to be paid by Burgesses in General.

Hugo Comes habet I *Burgensem qui fuit homo Burcardi de Senelay hic reddit* XXVI *Denar. per annum, & Regi* V *Denar.*

Robertus de Olgi habet I *Burgensem qui fuit homo Azor f. Toti, hic reddit* XVI *Denar. per annum, & Regi* V *Denar.*

D *Rogerius de Juri habet* IIII *Burgenses qui fuerunt homines ejusdem Azor hi reddunt* VII *Sol. &* VI *Denar. & Regi* XIII *Denar.*

Hugo de Bolebec habet IIII *Burgenses qui fuerunt homines Alrici. Hi reddunt* XXVIII *Denar. & Regi* XII *Denar.*

Manno Brito habet IIII *Burgenses qui fuerunt homines Eddeve femine Syred hi reddunt* XXIX *Denar. Regi nil Debent.*

E *Hascojus Musart habet* I *Burgensem qui fuit homo Azor. f. Toti, hic reddit* XVI *Denar. & Regi* II *Denar.* Musart.

Ernulfus de Hesding habet I *Burgensem qui fuit Wilaf hic reddit per annum* II *Sol. & Regi* III *Denar.*

Willielmus de Castellon de Feudo Episcopi Baiocensis habet II *Burgenses, qui fuerunt homines Leuvini Comitis hi reddunt* XVI *Denar.* F *& Regi modo Nichil. Sed T. R. E. reddebat* III *Denar.*

De Feudo Alberici Comitis I *Burgens reddit Regi* II *Denar.*

Leuumus de Neuucham habet V *Burgenses & T. R. E. habuit, Hi reddunt ei* IIII *Sol. per annum & Regi* XII *Denar.*

Bochingham with *Borton* was *Taxed* for one *Hide* in the *Time* of King *Edward*, and now likewiſe, the Arable is eight *Plough-Lands*. There are two in *Demeaſn*, and the *Villans* have three *Plough-Lands* and half, and yet there may be two more and half. There are 27 *Burgeſſes*, and eleven *Bordars*, and two *Servants*, there is one *Mill* of 14 s. Rent, *Meadow* ſufficient for the eight Plough-Lands. *Paſture* for the *Cattle* of the Town, for all Dues it paid in the *Time* of King *Edward Ten Pounds* by Tale, now it pays *Sixteen Pounds* of White Money. A

Biſhop * *Remigius* holds the *Church* of this *Burg*, and four Plough-Lands which belong to it. There are four Ploughs, and three *Villans*, and three *Bordars*, and ten *Cotars* and one *Mill* of 10 *s.* Rent. *Meadow* ſufficient for two *Ploughs*, and *Wood* ſufficient for *Hedges*, it is and was worth *Six Pounds* by the Year, in the *Time* of King *Edward* it was worth *Seven Pounds*, Biſhop *Wluui* held this Church of King *Edward*. B

* A Norman and Biſhop of *Lincoln*.

In this *Burg* the Biſhop of * *Conſtance* hath three *Burgeſſes*, which *Wlward* the Son of *Eddeve* held ; theſe pay *Six Shillings* and *Six Pence* to him by the Year, and to the *King* Eleven Pence.

* In *Normandy*.

Earl *Hugh* hath one *Burgeſs* who was the *Comendatus*, or under *Protection* of *Burcard* of *Senelay*, he paid *Twenty Six Pence* by the Year, and to the *King Five Pence*. C

The Burgeſſes of *Buckingham* paid a yearly Rent to their Patrons, or Protectors.

Robert D'oyly hath one *Burgeſs* who was the *Man*, or under the *Protection* of *Azor* the Son of *Tot*, he paid *Sixteen Pence*, and to the King Five Pence.

Roger de Juri hath four *Burgeſſes* which were under the *Patronage* of the ſame *Azor*, theſe paid Seven Shillings and Six Pence, and to the *King* Thirteen Pence. D

Hugh de *Bolebec* hath four *Burgeſſes* who were the *Men*, or under the *Patronage* of *Alric*, theſe paid Twenty eight Pence, and to the *King* Twelve Pence.

Manno a *Britain* hath four *Burgeſſes*, which were the *Men*, or under the *Protection* of *Eddeve* the Wife of *Syred*, theſe pay Twenty nine Pence, they owe nothing to the King. E

Haſcoy *Muſart* hath one *Burgeſs* who was under the *Protection* of *Azor* Son of *Tot*. He paid Sixteen Pence, and to the King Two Pence.

Ernulf of *Heſding* hath one *Burgeſs* who was *Wilaf*'s, he pays Two Shillings, and to the *King* Three Pence. F

* In *Normandy*.

William de *Caſtellon Feudal Tenent* to the *Biſhop* of * *Bajeux* hath two *Burgeſſes*, who were under the *Protection*, or the *Men* of Earl *Leuuin*, theſe paid Sixteen Pence, and nothing now to the *King*, but in the *Time* of *King Edward* they paid Three Pence.

One

One *Burgeſs* was of the Fee of Earl *Alberic*, and paid to the King Two Pence.

Lenuin of *Neuueham* hath Five *Burgeſſes*, and had *them* in the *Time* of *King Edward*. Theſe pay to him 4 *s.* by the year, and to the *King* 12 Pence.

A

Here are all the 27 Burgeſſes of this Burg *Obnoxious* to, and under the *Protection* of *Foreign Lords*, and *Patrons*.

Northantſcire.

B *Tempore* [2] *Regis Edwardi fuere in Northantone in Dominio Regis LX Burgenſes habentes Totidem Manſiones, ex his ſunt modo XIV Vaſte. Reſidue ſunt XLVI. præter hos ſunt Modo in Novo Burgo XL Burgenſes in Dominio Regis Willielmi.*

[2] Domeſd. *ut ſupra*, f. 219. a. Col. 1. *Northampton.* in Edward the Conf.r time

In the *Time* of King *Edward* there were in *Northamton* 60 *Demeaſn-Burgeſſes* of the King, or 60 *Burgeſſes Vaſſals* to him; that had ſo many *Manſions*, of which 14 are now waſte. The Reſidue are 46. Beſides theſe, there are now in the * New Burg 40 *Demeaſn-Burgeſſes* of King *William*. This is all I find either concerning this as a *Burg*, or its *Burgeſſes*; only a little further 'tis ſaid, *Burgenſes de Hantone reddunt Vicecomiti per Annum XXX Lib. & X Sol. hoc pertinet ad firmam ipſius.* The *Burgeſſes* of *Hamton* pay to the *Sheriff* 30 Lib. and 10 *s.* by the year, and it belongs to his *Farm*, (that is, his *Farm* of the whole *Shire*.)

C

* The New Burg was either the Caſtle, or ſituate within the Precinct of it.

Hertfordſcire.

D *Burgum* [3] *Hertford, pro X hidis ſe Defendebat T. R. E. & modo non facit, ibi erant CXLVI Burgenſes in Soca Regis Edwardi.*

[3] Domeſd. *ut ſupra*, f. 132. a. Col. 1. *Hertford.* in Edward the Conf.r time

Alios XVIII Burgenſes habet Rex Willielmus, qui fuere homines Comitis Heraldi, & Comitis Leuuini, omnes Conſuetudines reddunt.

The *Burg* of *Hertford* in the time of King *Edward* was *Taxed* as
E much as Ten Hides, now not ſo much: There were 146 *Burgeſſes* under the *Liberty* or *Privilege* of King *Edward*.

King *William* hath 18 others, that were the *Men*, or under the *Protection* of Earl *Herald*, and Earl *Leuuin*. They paid all Cuſtoms.

Nothing more relating to Burg or Burgeſſes in this place.

Eurnicſcire.

F *In Eboraco* [4] *Civitate Tempore Regis Edwardi præter Scyram Archiepiſcopi fuere VI Scyræ, una ex his eſt Vaſtata in Caſtellis. In Quinque Scyris fuere Mille & Quadringente & Octodecim Manſiones *, hoſpitate, &c.*

[4] Domeſd. *ut ſupra*, f. 298. a. Col. 1. *Tork.* in Edward the confeſſors time

* Such as were let for an annual Rent, and the Inhabitants bound to reſide in them.

De ſupradictis omnibus Manſionibus ſunt modo hoſpitate in manu Regis reddentes Conſuetudinem quadringente IX Minus inter Magnas & Parvas. Et CCCC Manſiones non Hoſpitate, que reddunt Melior I Denar. & alie Minus, & Quingente & XL Manſiones ita vacue quod nil omnino reddunt. Et CXLV Manſiones tenent Francigene.

In *York* City in the *Time* of King *Edward*, beſides the *Archbiſhop*'s *Ward* or *Diviſion*, there were ſix *Wards* or *Diviſions*, one of theſe was deſtroyed when the *Caſtles* were built; in five there were 1418 *Manſions* inhabited, *&c.* A

Of all theſe *Manſions* there are in the *King*'s Poſſeſſion *inhabited*, and paying *Cuſtom* 409 great and ſmall, and 400 *Manſions* not * *inhabited*, the *beſt* of which pays one Penny, and others leſs; and 540 *Manſions* ſo *uninhabited* as they yield *nothing* at all. The *French* hold 145. The reſt of the *Deſcription* of this *City* is taken up, in ſetting down many particular *Proprietors* of *Manſions*, and ſome particular *Cuſtoms* and *Privileges* belonging to ſome of them. No *mention* of *Burgeſſes*, but as it were after the following manner: *Sanctus Cutbertus habet* I *Domum quam ſemper habuit, ut plures dicunt, quietam ab omni Conſuetudine. Sed Burgenſes dicunt non eam fuiſſe quietam T. R. E. niſi ſicut una Burgenſium, niſi tantum quod propter eam habebat Theloneum ſuum, &c.* Saint *Cutbert*, or the *Church* of *Dureſm*, hath one Houſe which it always had, as many ſay, *free* from all *Cuſtom*; but the *Burgeſſes* ſay it was not *free* in the *Time* of King *Edward*, otherwiſe than one of the *Burgeſſes* Houſes was *free*, except by reaſon thereof he paid no * *Toll.* B C

* *Non hoſpitate*; *i.e.* they had no conſtant Inhabitants tied to Reſidence, but ſuch as went and came as they pleaſed.

* For things bought and ſold in the Market; eſpecially Victuals.

Chenth.

In Civitate [5] *Cantuaria habuit Rex Edwardus* L *&* I *Burgenſes reddentes Gablum, & alios CC & XII ſuper quos habebat Socam & Sacam, &c. Modo Burgenſes Gablum reddentes ſunt XIX. de aliis qui fuerant XXXII obierunt, & adhuc ſunt CC & XII Burgenſes ſuper quos habet Rex Sacam & * Socam, &c.* D

*Burgenſes habuere XLV Manſuras extra Civitatem, de quibus ipſi habebant Gablum & * Conſuetudinem, Rex autem Sacam & Socam, ipſi quoque Burgenſes habebant de Rege XXXIII Acr. prati in Gildam ſuam, has Domus & hanc Terram Tenet Ranulphus de Columbels, habet etiam quater XX Acras Terræ ſuper hæc. Quas Tenebant Burgenſes in Alodia de Rege, de his omnibus revocat iſdem Rannulfus ad Protectorem Epiſcopum Bajocenſem.* E

In the *City* of *Canturbury* King *Edward* had Fifty one *Burgeſſes* paying Rent, and other 212 under his *Privilege* and *Juriſdiction*, &c. Now the *Burgeſſes* paying Rent are 19, the others which were 32 are dead, and yet there are 212 under the King's *Privilege* and *Juriſdiction.* F

The *Burgeſſes* had Forty Five Houſes without the City, of which they had the *Rent* and *Cuſtom*, but the *King* had the *Jurisdiction* and *Soke*. The *Burgeſſes* alſo had of the King Thirty Three Acres of *Meadow* which was toward the *maintenance* of their *Guild*, or be-

[5] Domeſd. *ut ſupra*, f. 2. a. Col. 1. *Canturbury.*

* Money paid for their Liberty and Privilege.

* Probably Forfeitures and Toll in this place.

 longing

longing to their *Society*, besides these, which the *Burgesses* held freely of the King. For all these the same *Ranulf* voucheth the *Bishop* of *Baieux* for his * *Protector*. Nothing more here concerning the *Burgesses*.

*He held them of him, and he was his Warrant for the Possession.

Chenth.

A Terra Archiepiscopi Cantuariensis.

Archiepiscopus [6] *Tenet Aldingtone in Dominio, &c.*

In Romenel [6] *sunt quater* XX & V *Burgenses qui* * *pertinent ad Aldintone Maner. Archiepiscopi, & valuerunt & modo valent Domino* VI *Lib.*

[6] Domesd. *ut supra*, f. 4. a Col. 1.
* *Pertinentes, servi qui ad aliquem pertinent, subditi, tenentes, &c.* du Fresn, in verbo.

B The Archbishop holds *Aldingtone* in Demeasn, *&c.*

In *Romeney* there are Eighty Five *Burgesses*, which belong to *Aldinton* the *Maner* of the *Archbishop*, and they were worth, and now are worth to the *Lord* Six Pounds, (that is, so much by the Year.)

Romeney. in Edw. confessors time

[7] *Huntedune Scire.*

[7] Domesd. *ut supra*, f. 203. a Col. 1,
* *Ferlingus*, or, *Quarentena Terræ tunc continebat* 32 *acras Terræ.*

C *In Burgo Huntedone sunt* IIII * *Ferlingi. In duobus Ferlingis T. R. E. fuerunt & sunt modo* CXVI *Burgenses Consuetudines omnes & Geldum Regis reddentes, & sub eis sunt* C *Bordarii qui adjuvant eos ad persolutionem Geldi. De his Burgensibus habuit Sanctus Benedictus de Ramesyg.* X *cum Saca & Soca, & omni Consuetudine: Tantummodo Geldabant T. R. E. Hos abstulit Eustachius per vim de Abbatia, & sunt modo cum ceteris in Manu Regis.*

Huntingdon. in Edw. the Conf.rs time

D *Ulf Fenisc habebat* XVIII *Burgenses, modo habet Gislebertus de Gand cum Saca & Soca præter Geldum Regis.*

In the *Burg* of *Huntington* there were Four *Furlongs*. In two of them there are now and were in the *Time* of King *Edward* 116 *Burgesses*, paying all *Customs*, and the Kings Tax, and under them are 100 *Bordars* which *help* them to pay the *Tax*. Of these *Burgesses*
E the *Abby* of *Ramesy* had Ten with *Jurisdiction*, and *Soke-Money*, and all *Custom*. They were only *Taxed* in the time of King *Edward*. These *Eustachius* (the Earl) took by force from the *Abby*, and they are now with the rest in the *Kings* Hand.

Ulf Fenisc had Eighteen *Burgesses*, now *Gilbert* de *Gand* hath them, with Jurisdiction and *Protection-Money*, except the *Kings Tax*.

F The further *Description* of these Two Furlongs is in *noting*, who had been *Proprietors*, and what *Houses* had been *destroyed* for a *place* to *build* the *Castle* in.

In aliis duobus [8] *Ferlingis fuere & sunt* CXL *Burgenses ad omnes Consuetudines & ad Geldum Regis, & isti habebant quater* XX *Hagas pro quibus dabant & dant omnes Consuetudines; de his habebat San-*

[8] Ibidem.

ctus Benedictus de Rameſy XXII. *T.R.E. Duo ex his fuere quieti ab omnibus Conſuetudinibus, &* XXX *reddidere quiſque* X *Denar. per Annum.*

In the other *two Ferlings* there were, and are 140 *Burgeſſes* which pay all *Cuſtoms*, and the *Kings Tax*, and they had Eighty *Hages* or *Houſes*, for which they did *give*, and do *give* all *Cuſtoms*, of which the *Abby* of *Ramſey* had Twenty two in the *Time* of King *Edward*; Two of theſe were *free* from all *Cuſtoms*, and Twenty paid every one Ten pence by the Year, the *Reſidue* of the *Survey* of theſe two *Furlongs* is as the other, nothing more of the *Burgeſſes*. A

Stadford Scire.

[9] Domeſd. f. 246. a Col. 1. *Stafford.* in Edward Confessors time

In Burgo de [9] *Stadford habet Rex in ſuo Dominio* XVIII *Burgenſes*, the King hath in *Demeaſn* Eighteen *Burgeſſes* in the *Burg* of *Stafford*, nothing further particularly about the *Burg* or *Burgeſſes*. B

Terra Henrici de Ferrariis, vel Ferieres.

[1] Ibid. f. 248. b Col. 1. *Tutberie Caſtle.*

Henricus de [1] *Ferreres habet Caſtellum de Toteberie, in Burgo circa Caſtellum ſunt* XLII *homines de Mercato ſuo tantum viventes, & reddunt cum foro* IIII *Lib. &* X. *Sol.* C

* *i. e.* Burgeſſes.

Henry de *Ferrers* hath the *Caſtle* of *Tutbury*, in the *Burg* about the Caſtle are XLII * *Men*, which only *Live* upon his *Market*, and they with the *Market* yeild Four Pounds and Ten Shillings.

Sumerſete.

[2] Domeſd. f. 87. a Col. 2. *Bath.* In Edw. Confessors time

Rex tenet [2] *Bade T. R. E. Geldabat pro* XX *Hid. Quando Scira Geldabat. Ibi habet Rex* LXIIII *Burgenſes reddentes* IIII *Lib. & quater Viginti &* X *Burgenſes, aliorum hominum reddunt ibi* LX *Solid.* D

The *King* holds *Bath*, in the *Time* of King *Edward* it was Taxed at the rate of Twenty Hides, when the Shire was Taxed. There the King hath Sixty four *Burgeſſes*, paying him four Pound by the Year, and there are Ninety under the *Protection* of other Men which pay Sixty Shillings yearly, nothing more of this Town or its *Burgeſſes*. E

[3] Ibid. b Col. 1. *Taunton.* Milburn

In [3] *Tanton* there is only mention of Sixty Four *Burgeſſes* which paid Thirty Two Shillings, but there are many Privileges noted to belong to that Town then. Rex tenet Milburn, Rex Edwardus tenuit nunquam Geldavit nec scitur quod hida sunt ibi, Terra est L. carue &c. In hoc manerio sunt 56 Burgenſes cum mercato reddentes LX Sol — F

Hanteſcire.

[4] Domeſd. f. 52. a Col. 1. *Southampton.* 6 mention Burgeſſes

In Burgo de [4] *Hantune habet Rex in Dominio quater* XX *homines* IIII *minus, qui reddunt* VII *Lib. de Gablo Terræ, & totidem rediderunt T. R. E.* In the *Burg* of *Hamton* the King hath in Demeaſn, or his immediate ſubjection, Eighty Four *Men* or *Tenents* at leaſt, which pay Seven Pound Rent for their Land, and ſo much they paid in

in the time of King *Edward*, not one *word* of any *Burgesses* in the *Survey* of this Town, unless these Eighty four Men were such, as there can be no doubt but they were.

Sudsexe.

A Terra Willielmi de Waren.

Burgum de [5] *Lewes T. R. E. reddebat* VI *Lib.* & IIII *Solid.* & III *obolos de Gablo & de Theloneo ibi Rex Edwardus habebat* CXXVII *Burgenses in Dominio.* The *Burg* of *Lewes* in the *Time* of King *Edward* did yield 6 *l.* 4 *s.* 1 *d. ob.* for Rent and Toll. There King *Edward* had 127 *Burgesses* in *Demeasn*, or in immediate *Subjection* to him, or that were his Vassals.

[5] Ibid. f. 26. a Col. 1.

Lewes. in Edward the Confessor's time

B

Sudsex. Terra Comitis Meritonensis.

In Burgo [6] *Pevensel T. R. E. fuere* XXIIII *Burgenses in Dominio Regis & reddebant de Gablo* XIIII *Sol.* & VI *Denar. de Theloneo* XX *Sol. De portu* XXV *Sol. De pastura* VII *Sol.* & III *Denar.*

[6] f. 20. b Col. 1.

Pevensey. in Edward the Confessor's time

C *Episcopus de Cicestre habebat* V *Burgenses. Edmer Presbyter* XV, *Ormer Presbyter* V, *Doda Presbyter* III.

Quando Comes de Moritonio recepit, nisi XXVII *Burgenses, modo habet ipse in Dominio* LX *Burgenses reddentes* XXXIX *Sol. de Gablo. Theloneum* IIII *Lib. Moneta* XX *Sol.*

Monachi de Moritonio VIII *Burgenses de* LXVI *Denar. Gisleber-tus Vicecomes* I *Burgensem de* XX *Denar. Willielmus de Cahainges* II D *Burgenses de* II *Sol. Ausfridus* IIII *de* II *Sol. Giroldus* II *de* VI *Sol.* And so others that had *Burgesses* in this *Burg* to the Number of Forty one *Burgesses* under several *Patrons.*

In the *Burg* of *Pevensey* in the *Time* of King *Edward* there were Twenty four *Burgesses* in *Demeasn* of, or *Vassals* to the King, who paid Fourteen Shillings and Six pence Rent. Tol. Twenty Shillings, *Port Custom*, or for *use* of the *Port* Twenty five Shillings, for Pasture E Seven Shillings and Three pence.

The *Bishop* of *Chichester* had Five *Burgesses*, Edmer a *Priest* Fifteen, Ormer a *Priest* Five, Doda a *Priest* Three.

When the *Earl* of *Moreton* received this *Burg*, he had but Twenty seven *Burgesses*, now he hath in *Demeasn* Sixty *Burgesses*, paying Thirty nine Shillings Rent, *Tol.* Four Pound, *Money* Twenty F Shillings.

The *Monks* of * *Moreton* had Eight *Burgesses* which paid them Sixty six pence, *Gilbert* the *Sherif* one *Burges* which paid Twenty pence. *William* de *Cahainges* Two *Burgesses* that paid him Two Shillings. *Ausfrid* Four that paid Two Shillings. *Girold* Two that paid Six Shillings, &c. These were Annual Payments.

* In *Normandy.*

[7] Domesd. f. 23. a Col. 1. *Chicheſter.*

No mention of Burgeſſes

In the *City* of [7] *Chicheſter*, no mention of any *Burgeſſes*, only of *Hages*, *Houſes* and *Dwellings*, and that it paid Ten Pound yearly to the King, and Five Pound to the Earl in King *Edwards* time. That it was then worth but Twenty five Pound, yet it paid Thirty five Pound.

[8] Ibidem. *Arundel.*

In Edward the Confessors time

Caſtrum [8] *Harundel inter Burgum & Portum Aquæ, & Conſuetudinem Navium reddit* XII *Lib. & tamen valent* XIII. A

The *Burg* and *Port*, of the *Caſtle* of *Arundel*, with the *Cuſtom* of *Ships*, yeilded Twelve Pounds, and were worth Thirteen Pounds.

Morinus habet ibi Conſuetudinem de II *Burgenſibus* XII *Denar. Ernaldus* I *Burgenſem de* XII *Denar. Sanctus Martinus* I *Burgenſem de* XII *Denar.* B

Morin had there the Cuſtom of Two *Burgeſſes* Twelve pence. *Ernald* of One *Burgeſs* Twelve pence, the *Church* of St *Martin* one *Burgeſs* Twelve pence.

Warwic Scire.

[9] Domesd. f. 238. a Col. 1. *Warwicke.*

In Burgo de [9] *Warwic habet Rex in Dominio ſuo* CXIII *Domus, & Barones Regis habent* CXII *de quibus omnibus Rex habet Geltum ſuum.* C

In Edward the Confessors time

In the *Burg* of *Warwic* the King hath in his Demeaſn 113 Houſes, and the Kings *Barons* have 112, of all which the King hath his Tax. And then the Survey notes all the *Biſhops*, *Abbats*, *Earls* and *Barons*, that were poſſeſſed of thoſe Houſes. Nothing further of the *Burgeſſes* and *Burg* to any purpoſe, except theſe Words. *In ipſo Burgo* XIX *Burgenſes qui habent* XIX *Manſuras cum Saca & Soca & omnibus Conſuetudinibus & ita habebant T. R. E.* In this *Burg* there are Nineteen *Burgeſſes* who had Nineteen *Houſes*, with *Juriſdiction*, *Protection-Money* and all *Cuſtoms*, or *Forfeitures* incurred in them, and ſo it was in King *Edward*'s time. D

Terra Regis. E

[1] Ibid. Col. 1. *Coleſhelle & Tameworth.*

In Edw. Conf. time

Rex tenet [1] *Coleſhelle, &c. Et in Tameworde* X *Burgenſes huic Manerio pertinentes.* The King holds *Coleſhull* and Ten *Burgeſſes* in *Tamworth* belonging to this *Maner.* That is, paid their *Cuſtoms* to the *Lords* of it.

Wilteſcire. F

Terra Regis.

* Ibid. f. 64. b. *verſus finem.*

Rex * *habet de tertio Denario de Chrichelade* V *Lib.*

Cricklade in Edward Confessors time

The *King* hath Five Pounds of the Third Peny of *Cricklade.*

Rex

Rex * *Tenet Albeborn, Ghida tenuit T. R. E. Geldabat pro* XL *Hidis, &c. Huic manerio pertinebant* VI *Burgenſes de Chrichelade reddentes* LXIIII *Denarios.*

* Ibid. fol. 65. a Col. 1. C 7. fol. 15.

The King holds *Albeborn*, Ghida held it in the *Time* of King *Edward*, to this *Maner* there were *Six Burgeſſes* of *Chrichelade* Servants, or *baſe Tenents*, who paid yearly *Sixty four* pence.

A

Epiſcopus * *Sariſberienſis tenet Rameſberie, &c. In Chrichelade huic Manerio pertinentes* V *Burgenſes, reddunt* V *Sol.*

* Ibid. f. 66. a Col. 1.

The *Biſhop* of *Salisberie* holds *Rameſberie, &c.* In *Chrichelade* there are *Five Burgeſſes*, Servants, or *Baſe Tenents* to this *Maner*, who paid *Five Shillings* yearly.

B

Eccleſia * *Glaſtinberienſis tenet Badberie, &c. In Chrichelade* I *Burgenſis reddit* V *Denarios.*

* Ibid. f. 66. b Col. 1.

The Church of *Glaſtonbury* holds *Badberie, &c.* In *Chrichelade*, one *Burgeſs* paying *Five pence* by the Year.

Eccleſia * *Sancti Petri Weſtmonaſterienſis tenet Eccleſiam de Chrichelade, & habet ibi plures Burgenſes, & Tertium Denarium ejuſdem Villæ. Totum ſimul Reddit* IX *Lib. Quod habet Sanctus Petrus Weſtmonaſterienſis.*

* Ibid. f. 67. a.

C

The Church of St *Peter* at *Weſtminſter*, holds the *Church* of *Chrichelade*, and hath there many *Burgeſſes*, and the *Third Peny* of the ſame Town; all together yeild to that *Church*, *Nine* Pounds.

Eccleſia * *Sceptberienſis tenet Ledington, &c. In Chrichelade* I *Burgenſis reddit* VI *Denarios.*

* Ibid. f. 67. b Col. 2.

D

The Church of *Shaftsbury* holds *Ledington, &c.* In *Chrichelade One Burgeſs* (that is, *One Burgeſs* belonging to that Maner) who paid *Six Pence* by the Year.

In Wallia.

E

In ipſo Manerio [2] *Roelend eſt factum noviter Caſtellum ſimiliter Roelent appellatum, ibi eſt Novum Burgum & in eo* XVIII *Burgenſes inter Comitem & Robertum.*

[2] Ibid. f. 269. a Col. 2. *Roelent.*

28 Burgesses in Ed. Conf^{ris} time

In ipſo Anno hujus Deſcriptionis datum eſt ad firmam hujus Burgi Theloneum pro III *Solid.*

F

In the *Maner* of *Roelent* there was lately erected a *Caſtle* called alſo *Roelent*: There is a *New Burg*, and in it Eighteen *Burgeſſes* between the *Earl*, (that is, *Hugh Earl* of *Cheſhire*,) and *Robert* (that is, *Robert* de *Roelent*.

In the year of this * *Deſcription*, the *Toll* of this *Burg* was let to Farm for Three Shillings.

* That is, in the year when the Deſcription of *Cheſhire* and this Country was made.

By

Tradesmen in the Saxon times, and in the time of the Conqueror had their Patrons, under whose Protection they Traded.

By these Instances (which are all can be found in both *Domesday Books*, that do give any light to the understanding what *Burgs* and *Burgesses* were in the *Saxon* times, and in the *Reign* of *Edward* the *Confessor*, as likewise afterward in the *Reign* of *William* the *Conqueror*) we find the *Burgesses* or *Tradesmen* in great Towns, had in those times their *Patrons* under whose *Protection* they *Traded*, and paid an *acknowledgement* therefore; or else were in a more Servile Condition, as being in *Dominio Regis vel aliorum*, altogether under the *Power* of the *King*, or other *Lords*, and it seems to me that then they *Traded* not, as *being* in any *Merchant-Gild*, *Society* and *Community*, but meerly under the *Liberty* and *Protection* given them by their *Lords* and *Patrons*, who probably might have *Power* from the *King* to *Licence* such a number in this or that Port, or Trading Town. A

And any Man would think the *Charter* of the *Conqueror*, obtained by *William Bishop* of *London*, looked this way, and that it was a meer *Instrument* of *Protection* rather than a *Charter*. The Saxon Words are these, as they are found in [3] *Holinshead*. B

[3] Vol. 3. f. 15. n. 20.

See these words in more plain Saxon, pat. 2. Ed. 4. part. 5. m. 23. *per inspeximus*.

Willem King grets Willem Biscop & Godfred Port-Refan, & ealle ya Burghwarn binnen London Frenciſe & Engliſe Frendlice, & ic Kiden eoy, yeet ic wille git ben ealra weera Lagay-Weord, ye get Weeran on Eadwerds Daege Kings. And ic Wille yeet aelc Child by his Fader yrfnume after his Fader Daege. And ic nelle ge Wollian yeet adnig Man eoy aenis Wrang beode. God eoy heald. That is, C

William the *King* Greets *William* the *Bishop*, and *Godfrey* the * *Port-Reve*, and all the *Burgesses*, or rather *Inhabitants* of the *Burg*, within **London** *French* and *English* Friendly. And I declare to you, that I will that you be all *Law-Worthy* as ye were in King *Edward*'s Days, and I will that each *Child* be his Fathers *Heir*, after his *Fathers* Days. And I will not that any Man command any *Wrong* to be done to you. God you hold, or Keep. D

* Port-Reve, from Port an Haven or Harbour, and Reve, an Officer, Minister, or Bayliff, that doth business for other Men, and the Port-Reve was the Kings Bayliff, that looked after his Customs and Tolls in the Port of *London*, before they were let to Fee-Farm. The Interpretation of the Conquerors Charter, or protection to the City of *London*.

There are two things remarkable in this *Charter*, (as 'tis call'd.) First, the *Burgesses* were declared, all to be *Law-Worthy*. Secondly, That their *Children* should be their *Heirs*. Now there were two *ways* of being *Law-Worthy*, or having the benefit of the Law. By the *State* and *Condition* of Mens *Persons*, so almost all *Free-Men* had the free benefit of the Law, but Men of *Servile Condition* had not, especially such as were *in Dominio*, in Demeasn, for they received *Justice* from their Lords, were *Judged* by them in most Cases, and had not the true benefit of the Law; so neither as to the second *observable* in this Charter, could their *Children* be their Heirs, for they *held* their *Lands* and *Goods* at the *Will* of the *Lord*, and were not sure to enjoy them longer than they pleased him. The Second way of being *Law-Worthy* was, when Men had not committed any Crimes, or done any thing for which they forfeited the Law and deserved to be *Out-Lawed*, then they were said to be *Legales homines*, *recti in Curia*, or *Law-Worthy*, but not so properly as in the first Sense of the Word. E F

From

From hence we may make a very probable *Conjecture* at the true meaning of this *Protection* or *Charter*. It is not to be doubted, but that the *Burgeſſes* of *London* had obtained of the *Saxon* Kings ſeveral *Liberties* and *Immunities*, amongſt which this was one, to be ſo far Free, as not to be in *Dominio*, or ſo *Obnoxious* to any *Lord*, but that by *reaſon* of their *State* and *Condition*, they might be *Law-Worthy*, A that is, have the *free benefit* of the *Law*, and had likewiſe further obtained, (if it was not then a conſequent of their *Perſonal State* and *Condition*) that their *Children* ſhould be *Heirs* of their Lands and Goods, and in both theſe were *Free* from the *Injuries*, and *unreaſonable Demands*, and *Power* of any Severe Lord; So that all the application made by their * *Biſhop William*, and not unlikely by *Godfrey* the *Port-Reve*, to the *Conqueror* for them, was, that their *State* and *Condition* might be the ſame it was in King *Edward*'s Days, B that their *Children* might be their *Heirs*, and that they might in *both* be *Protected* from the *Injury* and *Violence* of *Imperious Lords*, which by the *Prevalency* of their *Biſhop* were granted; conſidering therefore that by the foregoing *Inſtances* it is clear, that many or moſt *Burgeſſes* of other Burghs, were *in Dominio* either of the *King*, or ſome other *Lords* or *Patrons*, in the time of *King Edward*, and that the *Londoners* might fear the *Conqueror* would break in upon their *Privileges*, and reduce them to the ſame *Condition*; this Explication C ſeems to diſcover the *Genuine* meaning, and very *Import* of this *Protection*, or, as 'tis commonly called, *Charter*.

* He had alſo been Biſhop of *London* Sixteen years, in King *Edwards* time.

How long in moſt *Burghs*, very many *Burgeſſes* remained in this *Servile State*, or others in a *Middle* or *Neutral* State of between *Servitude* and *Freedom*; I cannot ſay certainly, but do ſuppoſe, until our Ancient *Norman Kings* granted by their *Charters*, there ſhould be *Merchant* or *Trading-Gilds*, *Communities* and *Societies*, in *Burghs*, D and gave them * *Free Liberty* of *Trade*, without paying *Toll* or *Cuſtom* any where, other than their *Fee-Farm-Rent* in *Lieu* of them, where that was Reſerved; or to raiſe and *Multiply* ſuch *Payments* by *Incouragement* of Trade, which by the *Grants* of ſuch *Liberties* did mightily *Increaſe*, where the *Kings Bayliffs* collected them.

A Conjecture when the Free condition of Burghs began.

* See Append. N. 1. a & b. & N. 2. concerning great *Yarmouth*.

In *France* and *Countries* adjoyning, the *Chief* and *Ruling* Inhabitants of *Cities*, *Burghs* and *Towns*, that enjoyed theſe *Privileges* were E called *Communities*, which in Latin were variouſly expreſſed, by the Words [4] *Commune*, *Communia*, *Communio*, *Communitas*: Du *Freſn* in his *Gloſſary* and Explication of theſe Words, ſays, The Kings of *France* erected theſe *Communities* to cheque the *Inſolencies* of their great *Vaſſals*, and to protect them from their over-grown *Dominion* and *Extravagant Power* over them, that they reputed ſuch *Cities* and *Towns* their own, where there were ſuch *Communities*; and truely, for that the *Inhabitants* were in a manner *Freed* from the *Dominion* F of their Lords thereby, and became *immediately* Subject to their Kings, who by reaſon of ſuch *Eſtabliſhments* had *Power* to call them forth into their *Armies*, many ſuch *Communities* were erected in *France* by *Dukes*, *Earls* and other great *Vaſſals* of that King, which were confirmed by his *Aſſent*, and *Supreme Right*, and where he pleaſed did inſtitute, and take away ſuch *Communities* without conſulting their Lords, if the Inhabitants offended. The ſame *Author* ſays,

[4] Du *Freſn*, *in verbo*. The Communities of Cities and Burghs, here and in Foreign parts erected or confirmed by Kings.

The Rights of, or what makes a Community of a City, or Burg.

that *inter Communia Jura præcipua recenſentur*, Scabinatus. Collegium, Majoratus, Sigillum, Campana, Berfredus & Juriſdictio. That is, the chief things which conſtituted a *Community*, were, a *Major*, *Eſchevins* or *Aldermen*, a *Body*, *Society*, *Fraternity* or *Common Counſell*, out of which they were to be choſen, a *Bell-Fry* and *Bell*, to call them together to publick Meetings, a *Common Seal* and *Juriſdiction*. He gives an account of Ninety ſeven in *France*, and parts adjoyning, which were *Erected* by *Charters* of the *Ancient Kings* thereof, and their *great Vaſſals*. The moſt Antient, I find amongſt them, is the *Charter* granted by *Lewis* the Sixth called the *Groſs*, to the Town of *St. Riquer* in *Pontieu*, *A. D.* 1126. He began his Reign, *July* 26. A. D. 1108, and was *Contemporary* to our *Henry* the Firſt, they were much increaſed and multiplied by his Succeſſor *Lewis* the Seventh, who was *Contemporary* to our King *Stephen*, and *Henry* the Second. A

Communities, when they firſt began to be frequent in *France*, &c.

The Burgh-Laws when firſt publiſhed in *Scotland*.

About the ſame time the *Laws* and *Cuſtoms* of the *Burghs* of *Scotland* were publiſhed by *David* the firſt *King* of that Nation, who began his Reign A. D. 1124. and was *Contemporary* to our *Henry* the Firſt and King *Stephen*. B

It wants not *Probability*, though it manifeſtly *appears* not, that *William Rufus*, *Henry* the Firſt and *King Stephen*, being all *Uſurpers*, granted large *Immunities* to *Burghs*, to ſecure them to their Party; and by the time that *Glanvil* wrote, which was in the Reign of *Henry* the Second, Burghs had ſo great Privileges, as that if a *Bond-Man* or *Servant* [5] remained in a *Burgh* as a *Burgeſs* or *Member* of it, a Year and Day, he was by that very *Reſidence* made *Free*, and ſo it was in *Scotland*; he was always free and enjoyed the *Liberty* of the *Burgh*, if he were able to *buy* a *Burgage*, and his Lord *claimed* him not within a Year and a Day. *Si* [6] *homo Comitis vel Baronis ſeu cujuſcunque Servus fuerit, venerit in Burgo; Et emerit ſibi Burgagium, & manſerit in eodem Burgagio per unum Annum & unum Diem, ſine Calumnia Domini ſui vel ejus Ballivi: Semper erit Liber, & Libertate Burgi gaudebit ſicut Burgenſis, niſi ſit ſervus Domini Regis.* And in or before the Sixth year of this King, he granted, by *Charter* before cited, to the *Burgeſſes* of *Wallingford*, many large *Privileges* for the *Service* they did him againſt King *Stephen*, in recovering his *Hereditary* Right. *Theobald*, *Archbiſhop* of *Canturbury* was a *Witneſs* to this *Charter*, who died A. D. 1160. in the Sixth of *Henry* the Second; *Wincheſter* alſo and *Oxford* had *Charters* in the Reign of *Henry* the Second, as appears by the [5] *Charter* of *Portſmouth* in the Fifth of *Richard* the Firſt, and that of [6] *Andever* in the Sixth of King *John*. C D E

[5] Glanvil. lib. c.

[6] Leg. Burg. Scot. c. 17.

[5] Append. n. 5.
[6] Ibid. n. 6.

Why theſe were called *Free-Burghs*, and why the *Tradeſmen* in them were called Free *Burgeſſes*, the *Charters* themſelves will inform us, in the *Charter* of [7] *Dunwich*, *Johannis* 29 *Junii*. *Sciatis, nos conceſſiſſe quod Burgum de Dunewiz. Sit Liberum Burgum.* So in the *Charter* of *Bridgwater*, granted to *William Briwer*. [8] *Quod Bruge Walteri*, 2 *Johannis* 26 *Junii*, *ſit Liberum Burgum, & quod ibi ſit Liberum Mercatum*, and that the *Burgeſſes* of the ſame *Burg* ſhould be *Free Burgeſſes* and *quiet* of *Toll*, *Paſſage*, *Pontage*, *Laſtage* and *Stallage*, and ſhould have all *Liberties* and Free *Cuſtoms*, *Quittances*, F

[7] Append. n. 3.

[8] Append. n. 7

Why Burghs and Burgeſſes were called Free-Burghs and Free-Burgeſſes.

which

which belonged to the *Crown*, through all his *Territories*, and all *Ports*, except the *City* of *London*. Likewise in the *Charter* of *Helleston* in *Cornwall*, 2 *Johan. Ut sit* [9] *Burgus noster de Helleston Liber Burgus, &c.* After the same manner *King John* granted to the *Burgesses* of the *Town* of [1] *Yarmouth* in *Norff. Quod Burgenses nostri de Gernemua habeant Burgum de Gernemua ad feodi Firmam in perpetuum; & quod Burgus ille sit Liber Burgus in perpetuum.* In the Fifth of the same King, *Noveritis* A *ut Villa de* **Lenna** *sit* [2] *Liber Burgus in perpetuum.* And in the *Charter* to *Hertlepoole* in the *Bishoprick* of *Durham* [3] *Sciatis nos concessisse & hac præsenti Charta nostra confirmasse hominibus de Hertlepoole, quod sint liberi Burgenses.* Which *Liberty* granted to the *Burgs* and *Burgesses* (for all *Inhabitants* of *Burgs* were not such) was a *Freedom* to *Buy* and *Sell* freely without disturbance, a *Liberty* from paying *Toll, Pontage, Passage-Money, Lestage, Stallage, &c.* In the *Mercates* and *Fairs* in these *Burgs*, and in coming to, and going from them, B and for these things, the *Burgs* were called free *Burgs*, and the *Burgesses Free Burgesses*, and for nothing else, as is most evident from the *Charters* themselves.

[9] Append. n. 8.

[1] Append. n. 2.

[2] Append. n. 9.

[3] Append. n. 10.

What the Freedom of Burgs and Burgesses was, and in what it consisted.

From the *Burg* and other *Laws* of *Scotland*, the same thing is evinced; in the *Burg-Laws, Tit. de Vigiliis*, C. 86, by which *every House* was bound to find one to *Watch* and *Knock* at their Doors with a *Staff. Exceptis Viduis, quæ tamen si Communicaverint cum Vicinis suis,* C *in Emendo & Vendendo, Vigilare debent, & alia onera supportare*; except Widows, who notwithstanding, if they *Bought* and *Sold* as their *Neighbours* did, ought to *Watch* and bear other *Burthens*. Again Cap. 108. *Nullus Burgensis qui manet extra Burgum potest aliquid Emere nec Vendere, nec Liber esse in aliquo Burgo nisi in illo Burgo in quo est Burgensis.* And in Chap. 139. *Statuit Rex David, quod omnes Burgenses sui sint liberi per totum Regnum suum, tam per aquam quam per Terram, ad Emendum & Vendendum, & ad commodum suum* D *faciendum absque perturbatione, super plenam suam forisfacturam.*

What the Freedom of Burgs and Burgesses was, by the Burg Laws of *Scotland*.

King *David* made a Law, that all his *Burgesses* should be free to *Buy* and *Sell* in his whole Kingdom, as well by *Water* as by *Land*, and to make their advantage without disturbance, upon pain of full forfeiture to such as disturbed them. In the *Statutes* of King *William* Chap. 35. *Item statuit, quod Mercatores Regni habeant Gildam suam Mercatoriam, & ita gaudeant in pace, cum libertate Emendi &* E *Vendendi, ubique infra limites Libertatum Burgorum, ita quod quilibet sit contentus sua Libertate, & nullus occupet Libertatem alterius, &c.* Also he decreed, that the *Merchants* of the Kingdom should have their *Merchant-Gild*, and so peaceably with the *Liberty* of *Buying* and *Selling* every where within the *Liberties* of their *Burgs*, so that every one be *Content* with his *Liberty*, and none should * *Usurp* the *Liberty* of another, *&c.* By understanding wherein their *Liberty* consisted, we come to know what Men, the *Burgesses* were, F to wit, *Buyers* and *Sellers*, Ordinary and Common Tradesmen, (then called Merchants) such as are commonly found in ordinary Inland Burgs, & Mercate Towns, such as frequented Fairs and Markets. So in a Plea [4] between the *Abbat* of *Westminster*, and the *Tradesmen* that resorted to his Fair there in 30th of *Edward* the First, they are often called *Mercatores* Merchants; likewise in the 34th of the same King in the *Parlement* holden at [5] *Westminster* on the

* That is, use his Trade.

[4] *Riley's Placita Parlementar.* f. 292, 293, 294, 295.

[5] *Inter Communia de Termino Trinitat. Ann. R. R. Ed.* 1. 34. *cum Remem. Thes. in Scaccario.*

morrow after Trinity Sunday, the *Citiſens*, *Burgeſſes*, and others of the Kings *Demeaſn* Subjects, granted unto him the 20th part of their Goods, *&c. Mat. Weſtminſter*, ſpeaking of this very Gift, ſays, [6] *Mercatores Viceſimum Denarium conceſſerunt*, and in all Old Authors, Engliſh and French, *Ordinary Tradeſmen* are termed *Merchants*. In the Agreement between *Richard* the Firſt King of *England*, and *Philip* King of *France* at *Meſſina*. *Statutum eſt a prædictis Regibus, quod Mercator, de quacunque Mercatione ſit Mercator, non poteſt emere in exercitu panem ad Vendendum, ne farinam, niſi aliquis Alienigena illam adduxerit, & de illa panem fecerit, nec Bladum niſi de illo ſimiliter panem fecerit.* Hoved. f. 384. b. n. 30. Here *Bakers* and *Sutlers* were accounted *Merchants*. *Alii Mercatores, de quacunque Mercatione fuerint, in Decem Denarios tenentur Lucrari unum*, Ibid. Here other ordinary Tradeſmen, that brought Goods into the Army to ſell, were termed Merchants. *Aldermannus Gildæ Mercatorum Oxoniæ, Judex Gildæ Oxonienſis. Qui Mercatorum lites dijudicabat. Monaſt. Angl. Tom.* 2. f. 141. Here the ordinary Tradeſmen of *Oxford*, were called Merchants, and that they were ſo Denominated, the very words, *Gilda Mercatoria*, do ſufficiently prove it, as it was granted to moſt ordinary Inland *Burgs*.

[6] f. 455. lin. 6.

A

B

For the *Gild* or *Community* there did always conſiſt of a Select Number of *Ordinary Tradeſmen*, yet of the moſt *Diſcreet* and *Wealthy* of the *Burg*, and by whom the *Bulk* of the meaner ſort of *Burgeſſes* (or, as they are now called, Freemen) were *Superintended* and *Governed*. In the *Iter* or *Circuit* of the Kings *Chamberlain*, who had the *Superintendency* of all *Burgs* in *Scotland*, and went from *Burg* to *Burg*, and puniſhed all *Faults* and *Crimes* committed there, and alſo the Chief Officers, if negligent in their Duties, in the Third Chapter of the *Iter*, intituled, *Modus Tenendi Iter*, hath this Article; *Item, petantur in Scriptis omnia Nomina Burgenſium infra habitantium, & extra, videlicet, Nomina fratrum Gildæ per ſe, & Nomina aliorum per ſe.* Alſo, that all the Names of the *Burgeſſes* be demanded in Writing, as well of thoſe that dwell within the *Burg* as without; that is to ſay, the *Names* of the *Brethren* of the *Gild* by themſelves, and the Names of *others* by themſelves; from hence it is clear, the *Gilds* or *Communities* of all the *Burgs* in *Scotland* were a *Select Number*, and ſo they were in *France*, *Germany*, and all other places where they had *Burgs*, or *Municipal Towns*, and in *England* the ſame.

C

D

E

In the [7] Year 1191. which was the Second of *Richard* the Firſt, *John Earl* of *Moreton*, the *Archbiſhop* of *Roven*, and all the *Biſhops*, *Earls* and *Barons*, with the *Citiſens* of *London*, met in St *Pauls* Church-yard on the 11th of *October*, depoſed the *Chancellor*, *William Longchamp Biſhop* of *Ely*, the *King* then in the *Holy Land*, and made *Walter*, *Archbiſhop* of *Roven*, *Chancellor* in his ſtead, and the ſame Day the ſaid *Earl* and *Archbiſhop*, and other the Kings *Juſtices*, *Granted* to the *Citiſens* of *London*, to have their *Community*. *Et eodem Die Comes Moretonii, & Archiepiſcopus Rothomagenſis, & alii Regis Juſtitiarii conceſſerunt Civibus Londoniarum habere Communiam ſuam.* And the ſame Year the *Earl* of *Moreton* and the *Archbiſhop*, and almoſt all the *Biſhops*, and *Earls* and *Barons* of the Kingdom, did *Swear* firmly and ſtedfaſtly to *Defend* and *Preſerve* that *Community*, ſo long as it pleaſed the King. *Et eodem Anno Comes Moretonii, & Archi-*

[7] Hoved. f. 399. b. n. 20. 30. 40.

A Grant to the Citiſens of *London*, that they ſhould have a Community.

F

Archiepiſcopus Rothomagenſis, & fere omnes Epiſcopi & Comites & Barones Regni juraverunt Communiam illam firmiter, & inconcuſſe Servaturos; quamdiu Domino Regi placuerit.

This *Community*, which was thus granted to the *Citiſens*, was a *Select Number*, for the better management of the *Affairs* of the *City*, for no doubt but the *Citiſens* met *promiſcuouſly* in St *Pauls* Church-
A yard, and to avoid *confuſion* for the future, it was deſired by themſelves, and *thought requiſite* by *Earl Moreton*, the *Chancellor* and Kings *Juſtices*, that they ſhould have ſuch an *Eſtabliſhment*, the better to *aſſiſt* them in their *Seditious Practices*, and for the more *advantage* of the *Citiſens*; otherwiſe, why ſhould the *Citiſens* deſire it, and the *Nobility* be *Importuned* to *Swear* the *Defence* of it? The Citiſens that were of this *Conſtitution* Swear *Fealty* to the King, and alſo to his Brother
B [8] *John Earl* of *Moreton*, againſt all Men if he ſhould *Dye* without Heirs, and ſome *Obligation* there was upon them without doubt to *aſſiſt* in * War, as well as there was upon the *Communities* in other Nations, if *Earl John*, and the *Biſhops* and *Barons* of his Faction, could have had an opportunity to have uſed them. In *Rigord*, and other Ancient *French* Hiſtorians, we read often of the King of *France* calling out his *Communities* to *War*, and *Hoveden* aforeſaid tells us
C [9] that A. D. 1197. On the *Eve* of St *Michael*, *Philippus Rex Franciæ Magno congregato Exercitu Militum, & Communiarum Suarum, Exiens de* * *Mantua profectus eſt verſus Curceles.* Here it ſeems as if he had as much *Power* to call his * *Communities* out to *War*, as he had to call his *Knights*, and this may be the reaſon why *London* in the time of *Edward* the Third, and ſome other *Cities* and *Burghs* in *England* had *Charters* of *Privilege*, * and *Grants* from our Antient *Kings*, that they ſhould not be *called* out to *War*, or *forced* to march out of the *Limits* of their own Juriſdiction.

D Whether this *Community* mentioned by *Hoveden* was the firſt that was granted to *London*, or whether they had One before, and it was *Diſſolved* by King *Henry* the Second, for their *conſtant Rebellion* againſt his Mother *Maud* the *Empreſs* and *Himſelf*, and never reſtored untill this time, I know not. They had not a *Mayor* untill the Firſt of *Richard* the Firſt, the Year before this, and perhaps might not have a Community untill the Second of his Reign. However it was then, it appears, by the City [1] *Books*, that in the time of *Edward* the
E firſt, and the ſucceeding *Kings*, it had *Communia*'s, and the firſt mentioned in theſe Books conſiſted of *Two in every Ward*, in all Forty, who were *Elected* by the *Probi homines* of the *Ward*, which *Probi Homines* are *explained* by theſe Words, *Diſcretiores*, *Sapientiores*, *& Meliores de Warda*; the moſt *Diſcreet*, *Knowing*, and *Beſt* Men of the *Ward*. Such were the *Electors*, and of ſuch was the *Community* to conſiſt, ſometimes the Number of the *Communia* (which word is more frequently uſed in their Books, than *Communitas*) was
F made up of 2, 4, 6, 8. out of every *Ward*, or out of *ſome Wards more*, others *fewer*, according to the *Quantity* of the *Ward*, and the *Summons*, at leaſt *Direction*, of the *Major*, or of him and the *Sheriffs*.

There is a notable *Writ* or *Record* much to this purpoſe in the time of King [2] *Henry* the Sixth, concerning the *Election* of the *Mayor* and *Aldermen* of *London*; ſetting forth, that his *Progenitors Kings* of

[8] Ibid. n. 40.

* *Edward* the Second demanded of the Citiſens of *London*, Aid againſt his Queen, in the 19th of his Reign: when ſhe and other Rebels landed with Foreign Force, upon Deliberation, * *Exire Civitate ſua ſe nolle fatebantur ad pugnam, niſi poſſent (juxta libertatem eis Conceſſam) ipſo eodem Die reverti ante ſolis occaſum*, Walſing. f. 123. n. 40.

[9] f. 444. b. lin. 28.

* Mant. upon the River *Seyn* in the Iſle of *France*.

* See *du Freſn* in the word *Hoſtis*, where it evidently appears, that the Communities of Cities and Burghs in *France*, were to ſend out their Horſe and Foot upon Summons into the Hoſt or Army.

[1] Lib. A. B. C. throughout.

[2] Append. n. 11.

London in E. 3^d time

No mayor of London till the 5^t of Richard the 1st

of *England*, had by their *Charters* granted to his *Citiſens* of the *City* aforeſaid *Liberty* to *chooſe* a *Mayor* and *Aldermen* among themſelves, whom they pleaſed, and to preſent them to the *Lord Treaſurer* and *Barons* of the Exchequer, the King not being there, that according to *Cuſtom* they might be *Admitted*. And that though according to *Cuſtom* in former times, they were wont to be choſen by the *Aldermen*, and more *diſcreet* Perſons of the ſaid *City*, ſpecially *ſummoned* and *Warned* for that purpoſe, ('tis not ſaid, how many out of every Ward) yet ſome that had not, nor ought to have, any *Intereſt* in ſuch *Elections*, came, and with their *Noiſe* and *Clamors* diſturbed them. He therefore *Commanded* the *Mayor* and *Sheriffs* to make *Proclamation* and Prohibit all from coming, that had *no right* to be there, and that the *Elections* ſhould be made by the *Aldermen* and *Others*, more *Diſcreet* and *Able Citiſens* of the ſaid *City*, ſpecially *Summoned* for that purpoſe, according to *Cuſtom*, letting them *know*, that if any one was *Choſen* any other way and *preſented* to Him, or the *Treaſurer* or *Barons* of the Exchequer, he ſhould *not* be *Admitted*, and alſo *directing* them to *Arreſt*, and *Commit* to *Priſon*, all ſuch as they ſhould find *doing contrary* to the Proclamation and Inhibition. A B

In the 29th of *Edward* the Firſt, *John Blund* was choſen Mayor [3] *per Commune Conſilium Elye Ruſſel tunc Majoris*, and the *Aldermen* there named; and the Sheriffs, *per aſſenſum Duodecim proborum hominum Singularum Wardarum*, by Aſſent of *Twelve* Good Men of every Ward. In the 31 of the ſame King, alſo in the 32 and 33. *John Lincoln* [4] and *John Blund* the third and fourth time choſen by Twelve *bonos & legales homines de qualibet Warda Summonitos*; *Twelve Good* and *Lawful Men Summoned* out of every Ward. In that 31 Year, *William de Coumb-Martin*, and *John de Burford* were [5] elected *Sherifs* by the *Mayor* and *Aldermen*, *in præſentia* XII *de Singulis Wardis Summonitorum ad Eligendum & recipiendum Vicecomites ſuos*, in the preſence of *Twelve* of every *Ward*, Summoned to chooſe and receive their Sheriffs. C D

[3] Lib. c. fol. 62. b. How the Mayor and Aldermen of *London* were choſen.

[4] Ibid. f. 111, 112, 113.

[5] Lib. c. f. 111. b.

In the Sixth of *Edward* the Second, [6] *William Wellesford* and another were choſen *Sheriffs* by the *Mayor*, *Aldermen*, and *Twelve* Summoned out of every Ward. *Wellesford* Dyes, and *Adam Ludkin* was *Choſen*, *per Sex & amplius de Singulis Wardis Summonitos*, by *Six* and more *Summoned* out of every Ward. E

[6] Lib. d. f. 3. a.

In the Seventh of *Edward* the Second, *Nicholas* [7] *Farendon* was choſen *Mayor* by the *Mayor*, *Aldermen*, *Sheriffs*, *& per Communitatem*, by the *Community* aſſembled. The [8] Sheriffs choſen the ſame Year by the *Mayor*, *Aldermen*, and *per Communitatem Summonitam*, *&c.* by the *Community* Summoned, *&c.*

[7] Ibid. b.

[8] Ibid.

In the Eight of *Edward* the Second, the Mayor and Sheriffs were choſen as before, and [9] *per probiores homines Communitatis de qualibet Warda*, by the better Men of the *Community* of every Ward. F

[9] Ibid. f. 4. a.

In the 20th of *Edward* the Third, it was [1] *Agreed*, That from thenceforth there ſhould come the *Mayor*, *Aldermen*, and alſo out of every *Ward* of the *City* of *London*, *Twelve*, *Eight*, or *Six*, according as the *Ward* ſhall be *great* or *ſmall* of the *Richeſt* and *Wiſeſt* of every

[1] *London* Liberties, *&c.* f. 2. & f. 11.

Ward; and such *Twelve*, *Eight* or *Six*, with the *Mayor* and *Aldermen*, shall *intermeddle*, and *choose* a *Mayor* and *Sheriffs* for the year following. In all these *Elections*, and all others in the Times of *Edw.* 1, 2. 3. *Rich.* 2. *Hen.* 4, 5, and 6. no *mention* is made of the *Common Council*, but there can be no doubt made but that the Common Council-Men in every *Ward* were all summoned, and the others that were summoned besides them, were sent to by the *Mayor*'s *Direction*, and happily, not without the *Advice* of the *Aldermen* and *Sheriffs*; There being not the least notice of their being chosen by the *Ward*.

These *Elections* are *recorded* by various Expressions, and probably were not made always according to the same exact Form, until the Fifteenth of *Edward* the Fourth; when the [2] *Masters*, *Wardens*, and *Liveries* of the several Companies were taken in. So that since that time, the *Elections* of the *Mayor* and *Sheriffs*, *&c.* are made by the *Mayor*, *Aldermen*, *Common Council*, and Them, according to the *Act* of *Common Council* then made.

[2] Ibid. f. 2.

In the year 1650 there was a great Controversie, Whether the Right of *Electing* Lord *Mayors*, *Sheriffs*, *&c.* rested in the *Lord Mayor*, *Aldermen*, and the *Freemen* in general by their *Representatives* to be chosen in every Ward: Or in the *Mayor*, *Aldermen*, *Common Council*, *Masters*, *Wardens*, and *Liveries* of the several Companies; managed by Judge *Hales*, and Mr. *Serjeant Maynard* of Council for the *Livery-Men*, and *Major John Wildman*, and one Mr. *Price* *Agents* and *Speakers* for the *Freemen*, before the *Lord Mayor*, *Court* of *Aldermen*, and *Common Council*. Now in which soever the Right of Election remained, the *Arguments* on both sides, and the *Records* then produced, and insisted upon by *them*, do manifestly *prove*, That the *Community* of the *City*, or as 'tis called the *Commonalty*, did consist of a *Select Number* of the more *discreet*, *able*, *wise*, and *rich* Citizens, and was not the *Body* of *Freemen* in General: And that such a *Select Number* in *Cities* and *Burgs* was most frequently *expressed*, *meant* and *understood*, by the Latin Words, *Communa*, *Communia*, or *Communitas*. And is, or ought to be so, at this Day.

The Community of the City of *London* a Select Number.

See the [3] Title of the Common Council holden in the Chamber of the *Guildhal* of the City of *London*, before the *Mayor*, *Aldermen*, *Sheriffs*, and the *greater part* of the *Commoners* in *Common Council* assembled. All these together being a *Select Number* in *Common Council* assembled, are the *Commonalty* or *Community* of the *City* of *London*, according to the Ancient *Import*, and true *Signification* of those *Latin* Words in all Nations.

[3] See Petition, *&c.* *Jan.* 13. 1680. in Print.

Of what Persons the Community of *London* consists.

In the [4] *Establishment* or *Charter* of *Roven*, and *Falaise* in *Normandy*, the *Government* of the *City* and *Town* was by a *Mayor*, *Twenty Four Jurats*, (so called, because sworn, *&c.* when they were chosen and admitted) and an *Hundred Pares* or *Peers*. The *Twenty Four Jurats* were annually *chosen*, out of the 100 *Peers*, by the 100 *Peers*; whereof *Twelve* were *Eschevins*, that is, *Aldermen*, and the other *Twelve*, *Consultores*, *Counsellors*, and *all* these together were *called* the *Communia*, or *Community* of that *City*, and *Town* with the *Castle*.

[4] *Scriptor*, *Norman. Veteres*, by *Du Chesn.* f. 1066.

What the Community of *Roven* in *Normandy* was.

Yet

Yet further to make it clear beyond all Exception, what the Community or Commonalty of a Burgh or City was, I will add a Clauſe in a Private Act of Parlement, made for the Eſtabliſhment of certain Rents, and other Matters between the Burgh of *Plimouth*, and the Prior and Convent of *Plimpton*, in the Time of King *Edw.* the Fourth, in theſe Engliſh words, as 'tis to be found upon the Parlement Roll, 4 *Edw.* 4. *M.* * 38. 39. *And if the ſayd yerely Rent of xxix* l. *vis. viii* d. *be behind in part, or in all, not payd to the ſame Priour of* Plympton, *and Covent, and to their Succeſſours in the ſame Priorye by xv Dayes next after Eny of the ſaid Feſts of Payment, That then it be Lefull unto the ſame Priour and Covent and their Succeſſours, and to their Officers and Miniſters to Diſtreyne in the ſaid Borough, and in Name of Diſtreſſe to take all the Goods and Catalles of the ſaid* Maire *and* Comonalte, *and of all* other Burgeis *of the ſame* Borough, *and of* all other Perſones reſident *and* Dwelling *in the ſame* Borough, *and Precinct of the ſame, and in every Parcel thereof.* Here we find the Mayor and Commonalty of *Plymouth* a Select Number, and diſtinct from all other Burgeſſes of that Burgh, and all other Perſons Reſident and Dwelling within the ſame. And what the Mayor and Commonalty of this Burgh were, other than the Mayor, Aldermen, and Common Council, or the Mayor and Chief Burgeſſes, which were the Governing part of the Town, let any one, that can, tell me.

* At the end of the 38 Membrane and beginning of the 39th.

Mayor and Commonalty diſtinct from all other Burgeſſes, &c.

A B C

These *Communities* had their *Seals*, by which they *Ratified* their *Grants* and *Charters*, and made *Authentic* all their Matters of Moment, almoſt as *Antient* as their *Being*. The Learned [5] *Mabillon*, after he hath mentioned the *Seals* of the *Communities* of ſome *Towns* and *Burghs*, ſaith, *Idem cenſendum eſt de aliis Communiarum Sigillis, quæ à Seculo duodecimo Originem habuerunt.* We are to think the ſame, of the *Seals* of other *Communities* which began to be in uſe about the *Twelfth* Century: He might have added, and ſome time before.

The Seals of Communities.

[5] De Re Diplomat. f. 148. F. 149. B. C.

When they began to be in uſe.

D

From Treating of the *Conſtitution* of *Burghs*, and ſhewing what they, and the *Burgeſſes* anciently were, and of what Value and Eſtimation in the Nation, I ſhall proceed to *ſhew*, what the *Parlement-Burghs* were, and when, and for what *cauſe* at firſt they ſent *Repreſentatives* to *Parlement.*

E

In the *Reigns* of King *John*, and *Henry* the Third, we do not find any *Citiſens* or *Burgeſſes* in *Great Councils* or *Parlements*, unleſs they were in that of the 49th of *Henry* the Third; at which time, the *Citiſens* of *York* and *Lincoln*, and other *Burghs* of *England* were *written* unto, To ſend *two Citiſens*, and *two Burgeſſes* according to the *form* of the *Writ* directed to the *Biſhop* of *Durham.* See my Anſwer to Mr. *Petyt*, f. 137. A. f. 140. B.

F

The *main* cauſe of their being *firſt Summoned* to *Parlement*, was, to give their *Conſent* to *Taxes* propounded to, or impoſed upon them; before that time in the *Reigns* of thoſe two Kings, they were *Talliated* or paid *Tallage* according to the *Impoſition* upon them, or *Acceptance* of what they *offered* by the *Kings Officers*, or *Juſtices*, as alſo

The main cauſe of the Cities and Burgeſſes being firſt Summoned to Parlement.

in the time of *Edward* the First, untill after the 34th year of his Reign, as is manifestly proved in my Animadversions upon a Book, called, *Jani facies Nova*, Fol. 178, 179. 130. and further appears in *Ryley's Placita Parlementaria*, in the 33d of this King, Fol. 259. 264, 265. 275, 276. Although several years before, *Citizens* and *Burgesses* were *Summoned* to *Parlement*, and there gave their *Consent* to the *Raising* and *Paying* of *Taxes*. In the 32d *Year* of his Reign he
A caused a * *Tallage*, *without Common Consent*, to be *Assessed* by *Commissioners* in all his *Cities*, *Burghs* and *Demeasns*, in every *County* of *England*, either by Heads, *(Capitatim)* or in Common, and gave particular direction that the *Tallage* of *Norwich* should be *Assessed* at four Hundred Pounds.

* See the Commissions, Pat. 32 Ed. 1. ffa Cedula.

The *first* time we *find* any *Citizens* or *Burgesses Summoned* to *Parlement*, was, in the 23d *Year* of *Edward* the First, according to the
B *Tenor* of this Writ.

Citizens and Burgesses first Summoned to Parlement. was in the 23d year of Edward the first

Rex [6] *Vicecomiti Northampton Salutem, quia cum Comitibus, Baronibus, & cæteris Proceribus Regni nostri super remediis contra pericula quæ eidem Regno his diebus imminent providendis, Colloquium habere Volumus & Tractatum per quod eis mandavimus, quod sint ad Nos Die Dominica proxima post festum Sancti Martini in Hyeme proximè futurum apud Westmonasterium ad Tractandum, Ordinandum, &*
C *faciendum qualiter sit hujusmodi periculis obviandum, tibi Præcipimus firmiter injungentes, quod de Comitatu prædicto* **Duos Milites,** *&* **de qualibet Civitate** *ejusdem* **Comitatus Duos Cives,** *&* **de qualibet Burgo, Duos Burgenses** *de discretioribus, & ad laborandum potentioribus sine Dilatione eligi, & eos ad Nos, ad prædictos Diem & Locum venire facias. Ita quod dicti Milites plenam & sufficientem po-*
D *testatem pro se, &* **Communitate** *Comitatus prædicti, & dicti* **Cives & Burgenses** *pro se &* **Communitate** *Civitatum & Burgorum prædictorum* **Divisim** *ab ipsis tunc ibidem habeant. Ad* **faciendum** *tunc quod de* **Communi Consilio ordinabitur** *in præmissis. Ita quod pro defectu hujusmodi potestatis negotium prædictum infectum non remaneat, quoquo modo; Et habeas ibi nomina Militum, Civium & Burgensium & hoc Breve. Teste Rege apud Cantuariam tertio Die Octobris.*

[6] Clauf. 23. Ed. 1. m. 4. Dorf. *De Parliamento Tenendo.*

To the Sheriff of Northampton

The King to the Sheriff of *Northampton-shire*, Greeting. Because we desire to have a *Conference* and *Treaty* with the *Earls*, *Barons*,
E and *other Great Men* of our Kingdom, to provide *Remedies* against the *Dangers* the same Kingdom is in at this time, therefore we have *Commanded* them, that they be with us at *Westminster* on the *next Sunday* after the Feast of St *Martin* in Winter next coming, to *Treat*, *Ordain* and *Do*, so as those Dangers may be prevented. We *Command* and *Firmly enjoyn* thee, that without delay thou dost cause to be *Chosen*, and to *come* to us, at the *time* and *place* aforesaid, *two Knights*
of the *County* aforesaid, and of *every City*, *two Citizens*, and of *every*
F *Burgh*, *two Burgesses*, of the most *discreet* and *fit* for business. So as the said Knights may have *sufficient Power* for *themselves*, and the *Community* of the *County* aforesaid, and the said *Citizens* and *Burgesses*, may have the *same* power, **separately** from them, for *themselves*, and the **Communities** of *Cities* and *Burghs*, then to **Do** in the Premisses what **shall** be **ordained** by *Common*, or the *Common Council*. So that for defect of such Power the business aforesaid may not remain

 undone;

undone; And have there the Names of the Knights, Citiſens, and Burgeſſes, and this Writ. Witneſs the King at *Canturbury* the third of *October*.

The Parlement Prorogued before it met. [7] Clauſ. 23. Ed. 1. n. 2. Dorſ. *De Parliamento Prorogando.*

This *Parlement* did not *meet* on the *Sunday* after St *Martin*, but was Prorogued before meeting, to the *Sunday* next before St *Andrew* the Apoſtle, which is the 30th of *November*. *Teſt.* [7] *Rege apud Odmer 2 Die Novembris.* And *all* the *Treating*, *Ordaining* and *Doing* in this *Parlement* was only to *Grant*, and *Conſent* to *Raiſe* ſuch *Supplies* as the King *Demanded*, as will afterward appear. A

The not *finding* any *Citiſens* or *Burgeſſes*, Summoned by former *Writs* directed to Sheriffs, nor *particular* Writs directed to the *Mayors*, *Bayliffs*, or *Chief Officers* of *Cities* and *Burghs*, before this, (except that in the 49th of *Henry* the Third) might be a ſufficient proof, that theſe were the *firſt Summons* of *Citiſens* or *Burgeſſes* to *Parlement*. But to *clear* this *point*, *beyond* all *doubt* and *cavil*, we muſt look back to the 18th of this King, and ſee what the *Style* of *Parlements* was, between that time, and this. B

[8] Bundle of Summons to Parlement, 18 Ed. 1.

In this [8] Year, there is a *Bundle* of *Writs* directed to the *Sheriffs* of ſeveral, or moſt, of the Counties of *England*, and they are the Ancienteſt extant, or perhaps that ever were, (except as above) by which *two* or *three Knights* were directed to be *choſen* for each County; but no *Citiſens* or *Burgeſſes*. And accordingly [9] *Norfolk*, *Suffolk*, *Cambridge* and *Huntingdon-Shires*, and *Cumberland* returned each of them three *Knights* with *Manucaptors* for their appearance, all other Counties but two each, *&c.* C

[9] Retorn. Parl. 18. E. 1. Three Knights returned for ſome Counties, 18. Ed. 1. and two for others

This *Parlement gave* the King a *Fifteenth* part of all their *Moveable Goods*, as appears by the [1] account upon the *Great Roll* in the 23d year of this King, in the *two laſt Rolls* of that *Great Roll*. The Title of Account, wherein alſo we have the *Style* of that *Parliment*, which runs thus. D

[1] *In officio Pipæ apud Weſtmonaſt.* The Account Roll hereafter mentioned.

Compotus Quintæ-Decimæ Regi Anno Decimo Octavo per Archiepiſcopos, Epiſcopos, Abbates, Priores, Comites, Barones, & omnes alios de Regno, *de omnibus bonis ſuis mobilibus conceſſæ, & per* Diverſos Collectores, *in Diverſis Comitatibus*, Eodem Anno Decimo Octavo Aſſeſſæ, Collectæ, & Levatæ. E

The *Account* of the *Fifteenth*, Granted to the King in his *Eighteenth Year*, by the *Archbiſhops*, *Biſhops*, *Abbats*, *Priors*, *Earls*, *Barons*, and *all others of the Kingdom*, Aſſeſſed, Collected, and Levied by *Divers Collectors* in ſeveral *Counties*, in the ſame Eighteenth Year. This is *the very ſame Style* which was uſed in the *Reigns* of *King John* and *Henry* the *Third*, before the *Commons* or *Community* of *Counties* were *Repreſented* by *Knights*, *choſen* by them. And 'tis here *further* to be *noted*, that the *two* or *three Knights*, *choſen* for the *Community* of the *County* did *Repreſent* them, and * according to the *form* of the *Writ*, *Conſulted* and *Conſented* to a *Fifteenth* for them; which are here called the *Omnes alii de Regno*, and were *Military Tenents in Capite* of the *Ordinary Rank*, but of the *ſame Order* with the *Knights*. F

* *Ad* conſulendum & conſentiendum *pro ſe & Communitate illa* His *quæ* Comites, Barones, & Proceres *prædicti tunc duxerint concordanda.*

In

In the *Chequer* [2] *Roll* of the 19th of *Edward* the First. There is the *Form* of a Writ, to appoint *Taxors* and *Collectors* of this *Fifteenth*, in these Words. *Edwardus Dei Gratia, &c.* **Militibus, liberis hominibus, & toti Communitati Comitatuum,** *&c. Salutem. Cum* **Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones & omnes alii de Regno nostro,** *nunc sicut alias nobis & progenitoribus nostris liberaliter* **concesserunt Quintam-Decimam** *de omnibus bonis suis Mobilibus, &c. Teste meipso apud Kings-Clipton* 22 *Die Septembris Anno Regni nostri decimo octavo. Edward* by the Grace of God, *&c.* To the *Knights,* * *Freemen,* and the *whole Community* of *Counties,* (none named) *&c.* Greeting, Whereas the *Archbishops, Bishops, Abbats, Priors, Earls, Barons,* and *all others of our Kingdom,* now as at other times, to us and our Progenitors have freely *Granted* a *Fifteenth* part of all their Moveable Goods, *&c.* Witness our-self at *Kings-Clipton* the 22d of *September* in the Eighteenth Year of our Reign. Here we find the *same persons only Granted* this *Fifteenth*, which were *wont* to *Grant* the same *manner* of *Taxes* in the *times* of his Progenitors, which illustrates what was said before.

[2] In the Custody of the Kings Remembrancer. *Inter Communia de Termino*, St. Mich. Rot. or n. 5.

* See my Glossary what these Freemen were.

The *Cities* and *Burghs*, or at least the *City* of *London*, this Year also had a *Fifteenth Taxed*, and *Levied* upon them, which notwithstanding it was *demanded* by the King, *without* their being *Summoned* to Parlement, by *Citizens* and *Burgesses* their *Representatives*, yet their *compliance* with the *Kings demands*, was called a *Grant*.

Citizens and Burgesses compliance with the Kings demands, called a Grant.

Georgius de Rokesly, Walterus de Rokesly Executor Testamenti ejusdem Georgii pro eo, [3] *Henricus de Waleys, Robertus de Basings, Willielmus de Hereford, & idem Robertus de Basings Executor Testamenti ejusdem Willielmi pro eo, una cum Magistro Willielmo de Wimondham Clerico,* **Assessores & Collectores Quintæ-Decimæ** *in* **Civitate London,** *& infra totum præcinctum ejusdem Civitatis Regi* **concessæ.** *Anno Regni sui decimo octavo reddunt compotum de* 2860 l. 13 s. 8 d. *de eadem Quinta-Decima sicut continetur in Rotulo de* particulis, *quem iidem Assessores & Collectores liberaverunt in Thesaurario, &c.* That is,

[3] In the same Account-Roll of the same great Roll, as above.

George de Rokesly, Walter de Rokesly Executor of the Testament of the same *George* for him, *Henry de Waley*'s, *Robert de Basings, William de Hereford*, and the same *Robert de Basings* Executor of the Testament of the same *William* for him; together with Mr. *William de Wimondham* Clerc, *Assessors*, and *Collectors* of the *Fifteenth* * *Granted* to the *King* in the *City* of *London*, and within the whole Precinct of the same City in the *Eighteenth* year of his Reign, do give account of * 2860 *l.* 13 *s.* 8 *d.* of the same *Fifteenth* as it is contained in a *Roll* of *Particulars* delivered into the *Treasury*, *&c.*

* By the City upon the Kings demand, and sending to them.
* This was the Sum of the whole Fifteenth in *London*, 18 Ed. 1. A. D. 1290.

Many *Compounded*, or (as the Phrase was then) *fined* for this *Fifteenth*, as for Example. [4] *Abbas de Sancto Edmundo reddit Compotum de* 666 l. 13 s. 4 d. *De fine pro* **habenda acquietancia** *Quintæ-Decimæ omnium Bonorum Suorum Temporalium & Bonorum Conventus sui & Villanorum suorum, & hominum totius Villæ Sancti Edmundi,* **Salua Regis Quinta-Decima Bonorum omnium aliorum libere Tenentium ipsius Abbatis & Conventus prædictorum,** *sicut continetur*

[4] Ibid. Many admitted to a Composition for their Taxes.

tinetur in Rotulo de finibus Diversorum *pro Quinta-Decima in Thesaurario liberavit per quatuor Taleas & Quietus est.* That is,

St. Edmunds-Bury.

The *Abbat* of St * *Edmund* makes his Account of 666 *l.* 13 *s.* 4 *d.* for a Fine (or Composition) to *have his Discharge* of the *Fifteenth of all his Temporal Goods, and the Goods of his Convent*, and *his Villans*, and *the Men of the whole Town of* St Edmund, saving the Kings Fifteenth of the Goods of all other free Tenants of the Abbat, and Convent *aforesaid*, as 'tis contained in the *Fine-Roll* of divers persons for this *Fifteenth*; he paid this Sum in Money by *four Tallies*, and is discharged. A

It will not be Foreign to this matter, to take notice of the Collectors Accounts in an Instance or two, nor unpleasant to the Reader.

Cambr. Ibid. B

Compotus Henrici de Lascy, & Willielmi de Mortuo Mari Collectorum Quintæ-Decimæ Regi Concessæ, Anno Decimo Octavo in Comitatu Cantabridgiæ.

Iidem reddunt Compotum de 3482 l. 16 s. 2. *qr. De Quinta-Decima Bonorum Mobilium Episcoporum, Comitum, Baronum, & omnium aliorum in Comitatu prædicto, sicut continetur in Rotulo de particulis quem liberaverunt in Thesaurario. Exceptis Bonis mobilibus Prioris & Fratrum Sancti Johannis Jerusalem & Villanorum suorum, &c.* C

The Account of *Henry de Lascy*, and *William de Mortemer*, *Collectors* of the *Fifteenth*, in the County of *Cambridge*, *Granted* to the King in the 18th Year of his Reign.

The Sum of a Fifteenth in *Cambrige-Shire*, 18 Ed. 1. A. D. 1290.

The same make their Account of 3482 *l.* 16 *s.* 2 *d.* farthing, of the *Fifteenth* of the *moveable Goods* of the *Bishops*, *Earls*, *Barons*, and *all others* in the said County, as it is *contained* in a *Roll* of *particulars* which they *delivered* into the *Treasury*. *Except* the *moveable Goods* of the Prior and Brethren of Saint John of Jerusalem, and many others who had *fined*, or *compounded* for them, as above, *&c.* D

Norff. Ibib. in Dorso.

Compotus Johannis de Breton & Willielmi de Kerdeston Collectorum Quintæ-Decimæ Regi Concessæ Anno Decimo Octavo in Comitatu Norff. E

The Account of *John Breton* and *William de Kerdeston*, Collectors of the Fifteenth in the County of *Norff.* Granted to the King in the Eighteenth Year of his Reign.

The Sum of a Fifteenth in *Norff.* 18 Ed. 1. A. D. 1290.

Iidem reddunt compotum de 9782 l. 14 s. 6 d. *de Quinta-Decima Bonorum mobilium, &c.* The same *Collectors* give in their *Account* of 9782 *l.* 14 *s.* 4 *d.* of the moveable Goods, *&c.* as in *Cambridge-Shire*. *Exceptis*, the *Goods* of such as had *Compounded* and were *Discharged*, *&c.* F

[5] Cl. 22. E. 1. m. 6. Dors. *De Militibus eligendis, & mittendis ad consilium.*

In the Twenty Second Year of this King there issued this *Summons* or *Writ*.

Rex [5] *Vicecomiti Northumbr. Salutem, Quia cum Comitibus, Baronibus, & Cæteris Magnatibus de Regno nostro super quibusdam Negotiis*

Negotiis arduis, nos & idem Regnum noſtrum Contingentibus, in Craſtino Sancti Martini proxime futuro apud Weſtmonaſterium Colloquium *habere Volumus &* Tractatum, *tibi præcipimus, quod eligi facias* Duos *Milites, de* Diſcretioribus *& ad Laborandum potentioribus de Comitatu prædicto & eos ad nos uſque Weſtmonaſterium venire facias: Ita quod ſint ibi in Craſtino prædicto, cum plena poteſtate pro ſe & tota Communitate Comitatus prædicti, ad Conſulendum & Conſentiendum*
A *pro ſe & Communitate illa, his quæ Comites, Barones & Proceres prædicti concorditer Ordinaverint in Præmiſſis: Et Ita quod pro defectu poteſtatis hujuſmodi idem negotium infectum non remaneat, & habeas ibi hoc Breve. Teſte Rege apud Weſtmonaſterium 8 Die Octobris.*

Conſimiles Literæ Diriguntur Singulis Vicecomitibus Angliæ, T. ut ſupra.

B The King to the *Sheriff* of *Northumberland*, Greeting. Becauſe we deſire to *Confer* and *Treat* with the *Earls*, *Barons*, and the other *Great Men* of our Kingdom, upon certain difficult Buſineſs, that concerns Us, and the ſame our Kingdom, at *Weſtminſter*, on the *Morrow* of St *Martin*, or 12th of *November*, we Command *thee*, That thou doſt *cauſe* to be *choſen* out of the *County* aforeſaid, and to come to Us to *Weſtminſter*, two *diſcreet Knights*, and moſt fit for Buſineſs, ſo as they be there on the Morrow aforeſaid, with full
C *Power* for themſelves and the whole *Community* of the County aforeſaid, to *Conſult* and *Conſent* for themſelves, and that whole *Community*, to thoſe things, the *Earls*, *Barons* and *Great* or *Noble Men* aforeſaid, ſhall have *Unanimouſly Ordained* in the Premiſſes. And ſo that for the defect of ſuch Power, the ſame Buſineſs may not remain undone; Have there this Writ. Witneſs the King at *Weſtminſter* the Eight Day of *October*.

In the 22d of *Edward* the Firſt, no Citiſens or Burgeſſes Summoned to Parlement.

D The like Letters or Writs were *directed* to *every Sheriff* in *England*. Witneſs, as above.

On the [6] *next day following*, (that is,) on the Ninth of *October*. The King *directed* other Writs (reciting in them much of this above) to *every Sheriff* to *cauſe* to be *Elected* two *Knights* more, to be added to the former, to come to him at the ſame time and place. *Ad audiendum, & faciendum, quod eis tunc ibidem plenius injungemus.* To
E hear and do, what he ſhould there more fully enjoyn them. *Teſte Rege apud Weſtmonaſterium nono Die Octobris.* Here was no *Citiſens* or *Burgeſſes* Summoned by theſe *Writs*, and none but *Knights*, in Number Four, who with the *Earls*, *Barons* and *Great Men*, on the *very Day* of their Meeting, gave the King a *Tenth* of all their Goods, and the *Writs* or *Commiſſions*, whereby *Taxors* and *Collectors* of the ſame *Tenth* were aſſigned in every County, were dated the ſame Day, as is moſt evident from the *Records* following.

[6] Ibidem.

The ſame day the Parlement met, they Grant the King a Tenth.

F

Decima [7] *Bonorum Temporalium, Regi Conceſſa in Anglia in Craſtino Sancti Martini, Anno Regni Regis Edw.* 1. *Viceſimo Secundo finiente, incipiente Viceſimo Tertio.*

[7] Rot. 23. E. 1. n. 72. in that Roll, *penes remem. Regis.*

A Tenth of *Temporal Goods*, Granted to the King in *England*, on the *Morrow of* St *Martin*, ending the Twenty Second Year of King

King *Edward* the Firſt, beginning the Twenty Third, he begun his Reign *November* the Sixteenth, 1272.

[8] Ibid.

Taxatores & Collectores ejuſdem Decimæ [8] *aſſignantur in Singulis Comitatibus Angliæ in hac forma.*

The *Taxors* and *Collectors* of the ſame *Tenth* are aſſigned in every County in this *Form.* A

[9] Ibid. & Pat. 22 Ed. 1. m. 2. *in Cedula.*

Rex [9] *Militibus, Libere Tenentibus & toti Communitati Comitatus Cumbriæ, Salutem, cum* **Comites, Barones, Milites, & omnes alii de Regno noſtro** *in Subſidium Guerræ nobis nunc ſicut alias Progenitoribus noſtris Regibus Angliæ liberaliter fecerunt* **Decimam** *de omnibus Bonis ſuis Mobilibus, Exceptis* * *quæ in Quinta-Decima ultimo nobis Conceſſa in eodem Regno Excipiebantur nobis curialiter conceſſerint & gratanter. Nos ut Decima illa ad minus Dampnum & Gravamen Populi, &c. Aſſignavimus Dilectos & Fideles noſtros Thomam de Newton & Robertum de Whiterigge vel alterum ipſorum una cum quodam Clerico ad Dictam Decimam aſſidendam, Taxandam, Levandandam, & Colligendam, & ad Scaccarium noſtrum Deferendam, & Solvendam: Unam medietatem citra feſtum Purificationis proxime futuræ, & alteram citra Feſtum Pentecoſtes, &c. Teſte Rege apud Weſtminſter* 12 *Die Novembr. Anno Regni ſui* 22. B

* *i. e.* their Armor, Plate of ordinary uſe, Jewels and wearing Apparel.

C

The King to the *Knights, Free-Tenents,* and the *whole Community* of the *County* of *Cumberland,* Greeting. Whereas the *Earls, Barons, Knights,* and *all others of our Kingdom,* have liberally done to us now toward the War, as heretofore to our Progenitors *Kings* of *England.* And have *Courteouſly* and *Willingly* or *Gratefully* Granted a *Tenth* of all their Moveable Goods, except thoſe things which were *excepted,* in the laſt *Fifteenth* which was Granted unto us. We, that the *Tenth* may be paid with the leaſt *Damage* and *Grievance* to the People, have aſſigned our Faithful and well-beloved *Thomas* de *Newton,* and *Robert* de *Whiterigge* or one of them, together with a certain *Clerc,* to *Aſſeſs, Tax, Levy* and *Collect* the ſaid *Tenth,* and to bring it to, and pay it at our *Exchequer,* one Half before the *Feaſt* of the *Purification,* and the other Half before the *Feaſt* of *Pentecoſt.* Witneſs the King at *Weſtminſter,* the 12th of *November* in the Twenty Second of this Reign. D

E

In this very Twenty Second Year of King *Edward* the Firſt, *Philip* King of *France* having then ſurprized and ſeized *Gaſcony,* after the Feaſt of *Pentecoſt* a [1] *Parlement* was aſſembled, to *adviſe* how to *regain* that Country, in which it was agreed to *Recover* it by *Force* and *Arms.* Toward which War the *Clergy* had Granted a *Moiety,* or Half part of the *Value* of their *Benefices,* and *Goods* for that Year, as may appear by the *Kings Writ* or *Commiſſion* to the *Abbat* of *Feverſham* in *Kent,* by which he was appointed *Collector* for the ſame in the Province of *Canturbury.* F

[1] Mat. Weſt. *Anno Dom.* 1294. fol. 421. n. 20.

[2] *Inter Recorda de Termino Trinitat.* 22 Ed 1. Rot. vel. n. 68. *De Subſidio Regi a Clero Conceſſo.*

Aſſignatio Collector. Medietatis, Regi a Clero Conceſſæ.

Edwardus Dei Gratia, &c. Dilecto ſibi in Chriſto [2] *Abbati de Feverſham, Salutem. Cum Prælati & Totus Clerus de Regno noſtro*

* * *Medie-*

* *Medietatem Beneficiorum & Bonorum Suorum nobis in Subſidium noſtrum de Anno præſenti Liberaliter Conceſſerunt, & gratanter. Ita quod prima Tertia pars ejuſdem medietatis in feſto omnium Sanctorum proxime futuro, Secunda in Quindena Paſchæ, Tertia in Quindena Nativitat. Sancti Johanis Baptiſtæ proxime futur. nobis perſolvantur, &c. Nos de veſtra Fidelitate & Diligentia confidentes, aſſignavimus vos, ad Dictam Medietatem, &c. In Dioceſi Cantuarienſi Colligendam, &c. Teſte meipſo apud Weſtmonaſterium* 30 *Septemb. Anno Regni noſtri* 22.

* This Grant was made on the Eve of St. *Matthew*, *Septemb.* 21. *Coadunatis Clero & Populo. Mat. Weſtminſt.* f. 422. n. 30. 40.

A

Here we have a *Moyety* given this Year of their *Benefices*, and Goods by the *Clergy*, and a *Tenth* by the *Earls*, *Barons* and *Knights*, for *all others* of the *Kingdom*; That is, all *Free-Tenents*, ſuch as held in *Military Service*, and others in *Soccage*, **which then were very few.** Let us now ſee, how and what the *Cities*, *Burghs*, and Kings

B *Tenents* of his *Demeaſns* gave, or paid by themſelves, not *being* then *reckoned*, **inter omnes alios de Regno**, which granted a *Tenthpart* only.

Theſe then were neither *Summoned*, or *came* to a *Common Council*, or *Parlement*, but were *required* and *induced* by the *Kings Commiſſioners*, or *Taxors* to *pay* a *certain Sum charged* upon or demanded of them. Which at this time was a *Sixth part* of all their *Moveable Goods*, towards the War. The *City* of *London* was firſt ſent to, and

C that made an *Example* to all other *Cities*, *Burghs* and *Towns* of the Kings *Demeaſns*, and their *Compliance* with the Kings *Demands* paſſed *as*, and under the *Name* of a *Grant*.

Citiſens and Burgeſſes, when not Summoned to Parlement. How they were Taxed.

Rex Dilectis & Fidelibus ſuis [3] *Cuſtodi, Vicecomitibus Aldermannis & Toti Communitati Civitatis ſuæ London, Salutem. Cum vos in forma qua Nuper Nobis Quintam-Decimam Conceſſeratis,* **Sextam partem** *Bonorum & Mobilium Veſtrorum in Subſidium Guerræ noſtræ*

D *nobis Conceſſeritis liberaliter & libenter; nos ut illa* **Sexta pars** *ad minus Dampnum & Gravamen Veſtri & Singulorum Civitatis ejuſdem Levetur & Colligatur providere Volentes, aſſignavimus, Johanem de Banquelle, Thomam de Romeyn, Hamonem Box, Willielmum de Betonia, & Gilbertum de Marchia una cum Dilecto Clerico noſtro Magiſtro Willielmo de Wymundham, &c.* And after the *Example* of *London* the *King* ſent his *Commiſſioners* to *Tax* or *Demand* of his other *Demeaſn Cities*, and *Towns*, a Sixth part through *England*.

[3] *Inter Recorda de Anno* 23 Ed. 1. n. *vel Rot.* 73 *penes Remem. Regis.* *De Sexta parte Regi Conceſſa in London.*

E

Rex Dilecto & Fideli ſuo Roberto de Ratford, Salutem, [4] *Cum Cives & probi homines noſtri London, Sextam partem Bonorum ſuorum Mobilium nobis in Subſidium Guerræ noſtræ Gratanter Conceſſerint, ut aliis qui ſunt de noſtris* **Villis Dominicis** *exemplum præbeant ad Conſimile Subſidium faciendum; Aſſignavimus vos ad* **petendam** *hujuſmodi* **Sextam partem** *in* **Singulis Dominicis Civitatibus** *&* **aliis Villis noſtris** *in Comitatibus Kanciæ, Suſſex, Surry, &*

F *Suthamton Secundum Taxationem Decimæ jam nobis in Regno noſtro Conceſſæ, & Ideo vobis Mandamus, quod aſſumptis vobiſcum Vicecomitibus Locorum, ad* **Singulas Dominicas Civitates,** *&* **alias Villas noſtras** *perſonaliter accedatis, &* **homines earundarum Civitatum, & Villarum** *ad* **Concedendam & Præſtandam** *nobis* **Prædictam Sextam partem** *juxta Taxationem prædictam, diligenter Ex* **parte noſtra requiratis,** *&* **efficaciter inducatis,** *modis quibus videbitis*

[4] Ibid. *Eodem Anno & numero.* *De Diverſis aſſignatis ad petendum Conſimilem Sextam in Dominicis Villis Regiis in Diverſis Comitatibus.*

videbitis expedire. Et quod inde feceritis, nobis aut Theſaurario & Baronibus noſtris de Scaccario ſine Dilatione conſtare faciatis. In cujus Rei Teſtimonium has literas noſtras fecimus Patentes. Teſte * *Venerabili Patre, &c, 21 Die Novembr. Anno 23.* That is.

* *William* Biſhop of *Bath* and *Wells* then Lord Treaſurer.

London an example to all Cities and Burghs to Grant a Sixth part of their Goods, *&c.*

The King to his well Beloved and Faithful *Robert de Ratford*, Greeting. Whereas our *Citiſens* and *Good Men* of *London*, have *willingly Granted* to us, toward maintaining our War a *Sixth part* of their Moveable Goods, that they might *ſhew* an *Example* to others of our Demeaſn Towns, to make the like *Aid*. We have aſſigned you to *Demand a like Sixth part* in every of our *Demeaſn Cities*, and other *Towns* in the *Counties* of *Kent*, *Suſſex*, *Surry* and *Southampton*, according to the *Taxation* of the *Tenth* now Granted to us in our Kingdom; and therefore we *Command* you, that taking with you the *Sheriffs* of Places, ye perſonally *go* to every of our *Demeaſn Cities*, and other *Towns*, and diligently on our behalf *require*, and *effectually induce* the *Men* of the ſame *Cities* and *Towns*, by ſuch means as you think expedient, to *give* and *Grant to us the ſaid Sixth part* according to the *Taxation* aforeſaid, and what you ſhall do herein, you ſhall *ſignifie* to us, or our *Treaſurer* and *Barons* of the Exchequer, without delay. In Witneſs of which thing we have made theſe our Letters Patents. Witneſs the Venerable Father, *&c.* The 21ſt of *November*, the 23d Year.

A B C

[5] Ibid. *Eodem Anno. Num. ſive Rot.* 73.

Per [5] *Conſimiles Literas aſſignantur infra Scripti ad* **petendam** *hujuſmodi* **Sextam partem** *in* **Singulis Dominicis Civitatibus, & aliis Villis Regiis,** *in Comitatibus Subſcriptis, viz.*

Willielmus de Ormeſby in Comitatibus Norff. Suff. Cantabr. & Huntingdon.

Magiſter Petrus de Lek in Comitatibus Northampton, Leyceſter, Warwick, Roteland, Lincoln. D

Johannes de Litegremes in Comitatibus Ebor. Northumberland, Cumbriæ, Weſtmerland, Lancaſtriæ.

Magiſter Johannes Lovel in Comitatibus Wilts, Somerſet, Dorſet, Devon. & Cornubiæ.

E

Johannes de Boſco in Comitatibus Nottingham, Derby, Salop. Staffford, Wigorn.

Radulfus de Broghton in Comitatibus Oxon, Berks, Bedf. Bucks. Glouceſter, Hereford. T. ut ſupra.

No Citiſens and Burgeſſes Summoned to Parlement before the 23 of *Edward* the firſt.

By all theſe *Records* 'tis moſt clear, there were no *Citiſens*, *Burgeſſes* or *Tenents* of the *Kings Demeaſns*, *Summoned* to great *Councils* or *Parlements* untill the 23d of *Edward* the Firſt, and alſo how they were *Taxed* before that time. F

The firſt *Writ* of their *Summons*, and the *Prorogation* of that *Parlement* from the Sunday next after St *Martin*, (which was the firſt Day appointed for meeting,) to the *Sunday* next before St *Andrew* the

the *Apoſtle*, we have noted before. And I ſhall further obſerve, that the *Writ* directs they ſhould have a *Power* to *Act* **ſeparately** from the *Knights* of the Counties, and do what by *Common Councils* ſhould be ordained. *Et dicti Cives & Burgenſes Plenam & Sufficientem poteſtatem pro ſe, & Communitate Civitatum, & Burgorum,* **Diviſum** *ab ipſis* (i. e. *Militibus*) *tunc ibidem habeant, ad faciendum tunc quod de Communi Concilio Ordinabitur in præmiſſis*, and accordingly they made a *different Grant*, the *Earls*, *Barons* and *Knights*, who then ſate, Treated, and Conſulted all together, about *Granting Taxes*, Gave an *Eleventh* part of all their Moveable Goods; and the *Good Men* of his *Demeaſn Cities* and *Burghs* Granted a *Seventh* part of all their Moveable Goods.

A

And according to the *Addition* made in the *Writ* of Summons, when the *Citiſens* and *Burgeſſes* came firſt to *Parlement*, there was
B alſo an *alteration* made anſwerable to it, in the *Writ* or *Commiſſion* for *appointing Taxors* and *Collectors*, for the *Levying* and *Collecting* of this *Eleventh* and *Seventh* part, in the ſeveral Counties, which is not to be *found* in theſe *Writs* or *Commiſſions* before this time: The Words of the *Writ* or *Commiſſion* are theſe. [6] *Rex Militibus, Libere Tenentibus, & Toti Communitati Comitatus Roteland, Salutem, Cum Comites, Barones, Milites, & alii de Regno noſtro in Subſidium Guerræ noſtræ nunc ſicut alias, nobis & progenitoribus noſtris Regibus Angliæ liberaliter fecerunt* **Undecimam** *de omnibus Bonis ſuis Mobilibus. Et * Cives, & Burgenſes, &* **alii probi homines** *de* **Dominicis noſtris Civitatibus** *&* **Burgis** *ejuſdem Regis* **Septimam** *de omnibus Bonis ſuis Mobilibus, exceptis his quæ in Decima ultimo nobis conceſſa excipiebantur, nobis Curialiter Conceſſerint & Gratanter, nos ut Undecima, & Septima prædictæ, ad minus Dampnum & Gravamen, &c. Aſſignavimus Dilectos & Fideles noſtros Rob. de Flixthorp & Johannem de Wakerley, &c. Ad Dictas Undecimam & Septimam in Comitatu prædicto Aſſidendas, Taxandas, Levandas, & Colligendas, &c. Teſte Rege apud Weſtmonaſterium * Quarto Die Decembris.*

C

D

[6] Pat. 24. Ed. 1. p. 1. m. 22. *De undecimâ & ſeptimâ Regi Conceſſ. Levand. & Colligend.*

* Theſe words were not in former Commiſſions, for appointing Taxors and Collectors.

* This Parlement met by Prorogation, about the 30th of *November*.

According to the *Tenor* of the *Writ* of *Summons*, we find by this *Commiſſion*, that the *Citiſens* and *Burgeſſes* were in this *Parlement*, and that they were *different Perſons* from the **Alii de Regno**, mentioned after the *Earls*, *Barons* and *Knights*, for they gave the *Eleventh*
E part, and theſe the *Seventh*, ſomewhat more than a Third beyond what they gave; And it became a *ſettled Rule* afterward for the *Citiſens*, *Burgeſſes* and *Tenents in antient Demeaſns* to give a *Third part* more, or thereabouts of their *Perſonal Eſtates*, than the *Earls*, *Barons* and *Knights* did Grant.

Citiſens and Burgeſſes, different perſons from the *Alii de Regno*, &c.

They gave a 3d part more than the Earls, &c.

The *Summons* to this *Parlement* directed to the *Archbiſhop* of *Canturbury* is very obſervable, and may furniſh us with the *Reaſon*
F why the King *Summoned* the *Citiſens* and *Burgeſſes* to it.

Rex Venerabili in Chriſto [7] *Patri R. Eadem Gratia Cantuarienſi Archiepiſcopo, totius Angliæ Primati, Salutem, Sicut Lex juſtiſſima provida circumſpectione Sacrorum Principum ſtabilita hortatur & ſtatuit, ut quod omnes tangit, ab omnibus approbetur, ſic & innuit evidenter ut Communibus periculis per remedia proviſa Communiter obvietur.*

[7] Cl. 23. Ed. 1. m. 3. Dorſ. *De Parliamento Tenendo apud Weſtmonaſterium.*

Sane ſatis noſtis, & jam eſt ut credimus per univerſa mundi Climata Divulgatum, qualiter Rex Franciæ de Terra noſtra Vaſconiæ nos fraudulenter & cauteloſe decepit eam nobis nequiter Detinendo. Nunc vero prædictis fraude & nequitia non contentus, ad Expugnationem Regni noſtri Claſſe maxima, & Bellatorum copioſa multitudine congregatis, cum quibus Regnum noſtrum, & Regni ejuſdem incolas hoſtiliter jam invaſit, Linguam Anglicanam ſi conceptæ iniquitatis propoſito deteſtabili poteſtas correſpondeat (quod Deus avertat) omnino de Terra delere proponit. Quia igitur prævisa jacula minus lædunt, & res veſtra Maxime ſicut Cæterorum Regni ejuſdem concivium agitur in hac parte. Vobis mandamus in Fide & Dilectione quibus nobis tenemini, firmiter injungentes quod Die Dominica proxime poſt feſtum Sancti Martini in hyeme proxime futurum apud Weſtminſter perſonaliter interſitis. Præmunientes Priorem & Capitulum Eccleſiæ veſtræ, Archidiaconum totumque Clerum veſtræ Diocæſeos. Facientes quod iidem Prior & Archidiaconus in propriis perſonis ſuis, & Dictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo & Clero habentes, una vobiſcum interſint modis omnibus. Tunc ibidem ad Tractandum, Ordinandum & Faciendum, nobiſcum, & cum cæteris Prælatis & Proceribus & aliis incolis Regni noſtri, qualiter hujuſmodi periculis & excogitatis malitiis obviandum. Teſte Rege apud Wengeham Triceſimo Die Septembris. A B

The King to the Venerable Father in Chriſt, R. by the ſame Grace, Archbiſhop of *Canturbury*, *&c.* Greeting, As the moſt juſt Law eſtabliſhed by Princes doth appoint, *That which concerns all ſhould be approved by all.* So it evidently ſhews, that dangers, common to all, ſhould be obviated by Remedies provided by all. You underſtand ſufficiently, and as we believe 'tis now *Divulged* through the whole World, how the *King* of *France fraudulently ſurprized Gaſcony*, and yet detains it from us. But now not *content* with that, he hath provided a great *Navy* and *Army*, with which he hath * *Invaded* our Kingdom, and the Inhabitants thereof, and *intends* to *deſtroy* the *Engliſh Nation* and *Language*, if his Power were anſwerable to his deteſtable purpoſe, (which God avert.) Becauſe therefore, foreſeen attempts do leſs hurt us; and not only you chiefly, but the reſt of the Inhabitants of the Kingdom are alſo concerned in this matter, we *Command*, firmly *enjoyning* you in the *Faith* and *Love* by which you are bound to us, that on the Sunday next after the Feaſt of St *Martin*, next coming, you be at *Weſtminſter*, and that you *warn* the *Prior* and *Chapter* of your Church, the *Arch-Deacon* and *whole Clergy* of your *Dioceſs*, and cauſe the *Prior* and *Arch-Deacon* in their own perſons, and the *Chapter* by *one*, and the *Clergy* by *two*, fit * *Procurators* or *Proxies*, having ſufficient *Power* from the ſaid *Chapter* and *Clergy* to be preſent with you, then and there to *Treat*, *Ordain*, and *appoint with us*, and the reſt of the *Prelates*, *Great Men*, and other *Inhabitants* of the Kingdom, how to *prevent* theſe Dangers, and deſigned Miſchiefs. Witneſs the King at *Wengeham*, the 30th of *September*. C D E F

Why the Citiſens and Burgeſſes firſt Summoned to Parlement.

* About the 8th of *September* this year, the *French* landed at *Dover*, burnt a great part of the Town, and killed an old Monk. Walſingh. fol. 64. n. 10.

* Theſe are now called *Clercs* of the Convocation.

The firſt Summons of the Common Clergy to Parlement.

This is the *firſt Summons* I find directed to the *Archbiſhop*, by which he was ordered to cauſe the *Body* of the *Clergy* of his *Dioceſs*, and the *Chapter* to come to Parlement with him, by their *Procurators* or *Repreſentatives*, and the ſame *Reaſon* given in this *Writ*, that brought

brought *them* thither, brought alſo the *Citiſens* and *Burgeſſes*, as may appear by the *Writ* before recited, *directed* to every Sheriff of *England* for the *firſt choice* of them, and *dated* the third Day of *October*, next following after the *date* of this to the Archbiſhop.

The *Treating*, *Ordaining*, and *Appointing Remedies* to *prevent* the *imminent Dangers* to the Kingdom, was only *to raiſe Money*, to A *proſecute* the War, and *defend* the Nation againſt the *King* of *France*; and towards that, the *Clergy* gave a Tenth; the *Earls*, *Barons* and *Knights*, gave an Eleventh; and the *Demeaſn Cities*, *Burghs* and Kings *Tenents of his Demeaſns*, gave a *Seventh* part of all their *Moveable Goods*. There were no Laws made, or other Matters diſpatched in this Parlement, as was hinted before.

Having thus *Proved*, the *Time* when, and the *Cauſe* why, *Citi-* B *ſens*, *Burgeſſes*, and the *Tenents* of *the Kings Demeaſns*, were at firſt *Summoned* to *Parlement*, we ſhall proceed to *diſcover* what *Cities* and *Burghs* ſent their *Repreſentatives*, or *Citiſens* and *Burgeſſes*, upon ſuch Summons. The Anſwer to this is very ſhort, that they were only the *Dominici Civitates*, and *Burgi Regis*, the Kings *Demeaſn Cities* and *Burghs*, ſuch as had *Charters* from the King, and paid a *Fee-Farm Rent* in *Lieu* of the *Cuſtoms*, and other *Advantages* and *Royal-* C *ties* that belonged to the Crown, and were *originally taken* and gathered by the *Kings Collectors* and *Officers*, whether *Bayliffs*, *Port-Reves*, *Seneſcals*, or *Stewards*, or by what other Names they were called. But afterward *Collected* and *Received* by *Officers*, *choſen* by the *Cities* and *Burghs*, according to *Licence*, *Granted* by the Kings *Charter*, to the *uſe* of ſuch *Cities* and *Burghs*, or perhaps, ſometimes by *Permiſſion* only.

What Cities and Burghs ſent Citiſens and Burgeſſes to Parlement.

Cuſtoms in Cities and Burghs, originally gathered by the Kings Bayliffs, &c.

This doth abundantly appear by the Account given of great *Yar-* D *mouth*, in the [8] *Appendix*, where after the *Deſcription* of *that* and *Gorleſton*, taken out of *Domeſday* Book, it is ſaid thus. *Et Sciendum, quod Progenitores Domini Regis tenuerunt prædictum Burgum in manibus ſuis propriis, percipiendo omnia proficua exeuntia de portu prædicto, uſque ad Tempus Regis Johannis, qui* [9] *conceſſit Villam prædictam Burgenſibus Villæ prædictæ ad feodi firmam, Reddendo ſibi & hæredibus ſuis Quinquaginta & Quinque libras per Annum, ad quod Solvendum, nihil aliud habent niſi conſuetudinem & alia proficua proveni-* E *entia de portu prædicto, nec capiant aliquas conſuetudines de rebus Venditis vel Emptis in Mercato ſuper terram, nullo Tempore Anni.* That is, And it is to be underſtood, that the *Progenitors* of the *Lord* the *King* held the foreſaid *Burgh* (that is, *Yarmouth*) in their *own hands*, untill the *time* of *King John*, who *Granted* it in *Fee-Farm* to the *Burgeſſes*, paying to him and his Heirs *Fifty Five Pounds* by the Year, for the *Payment* whereof, they had nothing but the *Cuſtoms*, and other *Profits* of the *Port*, neither might they at any time of the F Year take any *Cuſtoms* of things *Bought* and *Sold* in the *Mercate* upon the Land.

[8] N. 1. A.

[9] Append. N. 2.

Not long after King *John* had Granted his *Charter*, there happened a *Controverſy*, between *Gorleſton* and *South-Yarmouth* in *Luthing-lond*, both on the other ſide of the River, and *Great Yarmouth*, [1] about certain *Cuſtoms* and *Privileges* in the 12th of *Henry* the Third,

[1] Append. N. 1. a.

and [2] again, in the 34th of *Edward* the First, which was *determined* in the *Exchequer* by the *Lord Treasurer*, the *Chancellor* of *England*, the *Justices* of both *Benches*, and others of the *King*'s *Counsel*. By which [3] *Record* it is evident, That *Great Yarmouth* was holden of the King in *Fee-farm*, was *styled*, *Villa Regis*, the *King*'s *Town*, and *Liber Burgus*, a *Free Burgh*, and enjoyed such *Liberties* as belonged to a *Free Burgh*, only *by*, and *in respect* of the *Charter*.

[2] Ibid.
[3] Append. N. 1. B. *Yarmouth* holden of the King in Fee-farm.
Why called a Free Burgh.

It was, and is the *General Opinion* of * *Lawyers*, That such *Towns* as sent *Burgesses* to *Parlement*, though but very seldom, and paid *Tenths* when they were granted in *Parlement*, were *Burghs*, Notwithstanding they had not, nor perhaps now have any *Charter*, *Fayr*, *Market*, *Franchise*, or other *Liberties* which should *Constitute*, and *make* them *Burghs*. But this is a mighty Mistake: For there *were anciently*, and are yet many *Towns* that sent their *Representatives* to *Parlement*, which were not *Burghs*, but only *Towns* of *Ancient Demeasns*, and these (in the *Granting* of *Taxes* especially) *consulted*, and gave their *consent* with the *Citizens* and *Burgesses*, who in All *Taxes* upon *Goods* and *Personal Estates* did usually *give* and *pay* about *one Third* or *Fourth* more than the other *Towns* which were neither *Cities* or *Burghs*, or *Ancient Demeasns*, before the *Tenths* and *Fifteenths* were *constantly* and *regularly* setled.

* Commons Journal, 1 Mail 1628. A great mistake, That Towns that paid Tenths, and sent Representatives to Parlement, were Burghs.
Towns in Ancient Demeasns that were no Burghs sent Representatives.

This will be fully *Evinced* by the following *Records*. *Edward* the First intending to Knight his Son, [4] *summoned* the *Archbishops*, *Bishops*, *Abbats*, *Priors*, *Earls*, *Barons*, and *other Great Men* to be *before him* and *his Council*, on the *Morrow* after Holy Trinity, to Treat of, and *Grant* an *Aid* which was due upon that occasion. He also sent to all the *Sheriffs* of *England*, to [5] cause to come *before him* and *his Council* on the same day, *two Knights* of every County, and of every City *two Citizens*, and of *every Burgh two* or *one Burgesses*, as the *Burgh* was *greater* or *lesser*, to *Treat*, *Ordain*, and *Consent*, *&c.*

[4] Cl. 34. Ed. 1. M. 15. Dorf. in Cedula. Append. n. 13.
[5] Append. n. 12. 13.

All which *Orders* of *Men* being [6] Assembled *before* the *King's Council*, and it having been *shewed* unto them by the *same Council*, on behalf of the King, That there was an *Aid due* to him in the foresaid case, (that is, for making his Son *Knight*:) And also, That there were *manifold Expences*, and many other *Burthens* incumbent on the King in *restraining* the *Rebellion* and *Malice* of *Robert de Brus*, his Traytor, and his Adherents in *Scotland*, who had presumed to make War against him.

[6] Append. n. 13.
[7] Ibid.
* Note, The Citizens, Burgesses, and Tenents in Ancient Demeasns, were no part of the Community of the Kingdom, for they gave a 20th part for, and by themselves, and Treated apart.

The same [7] *Prelates*, *Earls* and *Barons*, and *other Great Men*, and also the *Knights* of *Shires*, Treating deliberately upon this Matter, and considering there was an *Aid due* as aforesaid, and that many *Burthens* were incumbent upon the King by reason of the War aforesaid, at length unanimously *Granted* to the King for *themselves* and * *whole Community* of the *Kingdom*, a *Thirtieth Part* of all their *Temporal Moveable Goods*, which they should be possessed of at the Feast of St. *Michael* next coming, for a Competent Aid toward the Knighthood of his Son, and also for an *Aid* toward his *Expences* which he was to be at in the War aforesaid. But so, as this Grant should not ‡ *prejudice* themselves, nor their *Successors*, and *Heirs* in future Times, nor be made an *Example* in the like case. And that in

‡ The reason of this Clause at this time was, for that the Aid for making the Prince Knight, was to have been laid upon Land; *i. e.* so much upon every Knights Fee; and here it was Taxed upon Goods, whereas it was due upon Knights Fees.

in *Taxing* the Goods aforesaid, all things were to be *Excepted*, as in the *Taxation* of the *Fifteenth* granted to the King by the Community of the Kingdom, in the *Eighteenth* Year of his Reign, for the Banishment of the Jews.

Also [8] the *Citizens* and *Burgesses* of *Cities* and *Burghs*, and *others* of the *King's Demeasns Assembling* together, and *Treating* about the Premises, considering the *Burthens* incumbent upon the King, as was before mentioned, unanimously Granted unto him for the Causes aboveſaid, a *Twentieth Part* of their Moveable Goods, and to have them as aforesaid. [8] Ibid.

Who, and what the Cœteri, the *Residue*, or *Others* of the *King's Demeasns* were, is plainly discovered in another Record about the same Matter.

It is to be [9] *remembred*, That on the *Morrow* of Holy Trinity last past, the *Prelates*, and the other *Great Men* of the Kingdom, for *themselves* and the whole *Community* of the *Kingdom*, *Granted* to the Lord the King, for *themselves* and the whole *Community* of the same Kingdom, a *Thirtieth Part* of all their Temporal Goods, without *Cities*, *Burghs*, and the *King's Demeasns*. And the *Citizens*, *Burgesses*, and Tenents of the foresaid Demeasns, *Granted* a *Twentieth Part* of their Goods, as well *toward* the *Knighthood* of *Edward* the King's Son, as *toward* the *Defence* of *Scotland* against *Robert Brus*, and his *Complices*, the King's Enemies, and the Form of the foresaid Grant is more fully noted in the *Memorials* of *Trinity-Term* last past. [9] Ibid.

By this Record it is very plain, That the *Prelates*, *Earls*, *Barons*, and *Knights* of *Shires Consulted* together and *Treated* about this 30th Part which they granted for *themselves* and the whole *Community* of the Kingdom; as also that the *Citizens*, *Burgesses*, and *Tenents* of the *Kings Demeasns Treated* and *Consulted* by themselves apart, and Granted a 20th Part of their Goods, which was a Third Part more than the *Lords* and *Knights* gave. And that *Tenents* of the King's *Demeasns* were *Members* of Parlement.

The Prelates, Earls, Barons and Knights Treated together.

The Citizens, Burgesses, and Tenents in Ancient Demeasns consulted together, and apart from them.

The King's *Commission*, and *Assignment* of Commissioners to *Levy*, and *Collect* the 20th, and 15th Granted in the First of *Edward* the *Second*, proves the same thing. *Rex* [1] *Militibus, Liberis Hominibus & Toti Communitati Comitatus Middlesex tam infra Libertates quam extra, Salutem. Cum Comites, Barones, Milites, Liberi Homines, ac* Communitates *Comitatuum Regni nostri, Vicesimam omnium Bonorum suorum Mobilium; Civesque & Burgenses, ac* Communitates *omnium Civitatem & Burgorum ejusdem Regni, necnon* Tenentes *de* Antiquis Dominicis *Coronæ nostræ Quintam-Decimam Bonorum suorum Mobilium Curialiter concesserint & Gratanter, nos, ut Vicesima, &c.* That is, the King to the Knights, Freemen, and whole *Community* of the County of *Middlesex*, as well within Liberties as without, Greeting. Whereas the Earls, Barons, Knights and Freemen, and the Communities of Counties of our Kingdom Courtly, or courteously and gratefully Granted us a 20th Part of their Moveable Goods; and the Citizens, Burgesses and Communities of Cities and Burghs of the same Kingdom, and also the Tenents of the Ancient Demeasn of our Crown a 15th Part of their Moveable Goods, We, that the said 20th Part, *&c.* [1] Pat. 1 E. 2. p. 1. M. 7.

Some

Tenents in ancient Demeasn sometime omitted in Commissions. [2] Inter Recorda de Term. Sanct. Trin. Anno 12. Ed. 2. penes Remem. Regis in Scaccario. Commissio ad Levand. & Colligend. 12am.

Some time afterward, the Tenents in ancient Demeasns were left out of the Preambles of the Commissions, and not mentioned as Grantors of Taxes, with the Citisens and Burgesses in the 12th of *Edward* the Second, in some Commissions they were retained, in others omitted. *Edwardus Dei Gratia Rex Anglia, &c.* [2] *Fidelibus suis Ballivis &* Communitatibus *Civitatum &* Burgorum *in Comitatu Lincoln, Salutem. Cum Cives & Burgenses* Civitatum & Burgorum *Comitatnum Regni nostri in Parlamento nostro apud Eborum a Die Paschæ proximo præterito in unum mensem convocato pro expeditione Guerræ nostræ Scotiæ Duodecimam omnium Bonorum suorum Mobilium nobis Concesserunt, &c. Nos, ut, &c. Teste meipso, apud Eborum* 30 *Die Maii Anno Regni nostri* 12. *Per ipsum Regem.* A

The *Tenents* of the *Kings ancient Demeasns* were not mentioned as *Grantors* in this Commission. B

Yet in this following *Commission* about Levying the same Tax, *they* are mentioned as *Grantors* of it, with the *Citisens* and *Burgesses.*

Inter Commissiones & Literas Patentes de Termino Sanctæ Trinitatis Anno 12 *R. Rs. Edwardi Secundi penes Remem. Regis in Scaccario.* C

Oxon. Berks, Bed. Bucks de Levatione 12 & 18 super vidend. & festinand. * Note the Earls and Barons and Knights of the Shire, granted this 18th, and therefore the Earls and Barons were part of the Community of the County, which was the Tenents *in Capite.*

Rex omnibus ad quos præsentes literæ pervenerint, Salutem. Cum per Literas nostras Patentes Assignaverimus quosdam Dilectos & Fideles nostros ad Decimam Octavam *nobis per* * Communitates *Comitatuum Regni nostri in* Parlamento *nostro apud* Ebor. *a Die Paschæ proxime præterito in unum mensem Convocato. Et* Duodecimam *nobis per* Cives, Burgenses, & Tenentes *de* Dominicis nostris *in eodem Parlemento concessas, &c.* D

But afterwards they were frequently *omitted*, and after the *Eighth* of *Edward* the Third, when the *Establishment* of *Taxes* upon Personal Estates became certain, and the *way* and *manner* of *Levying* them was changed, the *Tenents in ancient Demeasns* are no longer *mentioned* in the *Commissions* of the *Taxors* and *Collectors*, as *Grantors* of those *Taxes.* E

At what time the Tenents in ancient Demeasns are no longer mentioned as Grantors of Taxes in the Taxors Commissions. The ancient manner of Levying Taxes.

Before this time there were *two chief Taxors* appointed by the King in every County, who *appointed Twelve* in *every Hundred*, to raise every Mans *Personal Estate according* to the *true value*, and then to Levy a *Thirtieth*, or an *Eighteenth* part of it, as it was *Granted* by the Earls, Barons and Knights of *Shires* in Parlement. They also appointed *such* and as *many* as they thought fit in every *City, Burgh* and *Town* of the *Kings Demeasns*, to *inquire* into every Mans *Personal Estate* in those places, and *find* out the *true value* of it, and then to *Levy* a *Twentieth*, or *Twelfth* part of it, as it *had* been *Granted* by the *Citisens*, *Burgesses* and *Tenents* of the Kings *ancient Demeasns* in *Parlement.* And that they might *Tax* and *Value* every Mans Estate *truly* and *really*, the Taxors were *Sworn* not to *do otherwise* for *Love*, *Hatred*, *Favor*, *Gift* or *Promise.* See the [3] *Form* of *Taxing* and *Levying* the 30th and 20th part *Granted* to King *Edward* F

[3] Inter Recorda de Term. Trinit. 34 Ed. 1. penes Remem. Regis.

* the

the Firſt, *made* by *him* and *his Council* in the 34th year of his Reign, as it was delivered to the *Chief Taxors* of every *County* with the Oath. See the like [4] *Form* in the 12th of *Edward* the Second, for *Taxing* and *Levying* an 18th Granted by the *Earls*, *Barons*, *&c.* and a 12th by the *Citizens*, *Burgeſſes*, and *Tenents* of *Ancient Demeaſns*.

[4] Inter Recorda. de Term. Trinit. 12 Ed.2. penes Remem.Regis.

In the Eighth of *Edward* the Third, upon [5] *Complaint* of the
A *Barons*, *Knights*, *Citizens* and *Burgeſſes* to the King in *Parlement*, That the *Taxors* and *Collectors* for *Bribes ſpared* ſome Men, and by *Colour* of their *Office extorted* from others more than they ought to pay, and *applyed* it to their own *uſe*; with *Requeſt* to him, That they might pay toward the 15th and 10th then Granted, as they had done to the laſt 10th and 15th. There were ſent *Commiſſioners* into every County in *England*, to *Agree* and *Compound* with the *Inhabitants* of *every Town* that was to *pay* a *Fifteenth*; And alſo with
B the *Communities* of *Cities* and *Burghs*, and *Men* of the *Towns* of *Ancient Demeaſns*, which *paid* a *Tenth*; *Ad* Tractandum & Concordandum *cum* Communitatibus Civitatum & Burgorum, *ac* Hominibus *Villarum*, & Dominicorum *antiquorum*, *qui hujuſmodi* Decimam & Quintam-Decimam *ſolvere tenentur*, for the Sums they were to pay; which *Sum* was *fixed* upon the *particular Towns*, *Cities* and *Burghs* for the future, and Collected, and Rated moſt commonly by the *Inhabitants* (I ſuppoſe) amongſt themſelves; the chief
C *Collectors* and *Taxors* in every County were *reſerved* to be *Taxed* by the *Treaſurer* and *Barons* of the *Exchequer* as before.

[5] Pat. 8 E.3. p. 2. M. 16. The occaſion and manner of the firſt ſetling of Fifteenths and Tenths.

I could never find the *Roll*, or any *Book* of this *Eſtabliſhment* of this Eighth year of King *Edward* the Third. But in a [6] *Book* of *Fifteenths* and *Tenths* in the Third year of King *Henry* the Fifth, where the *part cular Sums* of every ordinary *Town*, and of every *City*, *Burgh*, and * *Town* of *Ancient Demeaſns* in all Counties in *Eng-*
D *land* are noted, there is often *Reference* to the *Particulars* of ſuch a *Roll* in that *Eighth* year. After which time, when *Tenths* and *Fifteenths* were reduced to a certainty, the *Parlement* for the moſt part Granted *Taxes* of thoſe *Denominations*, *half* a *Tenth*, and *Fifteenth*, a *whole Tenth*, and *Fifteenth*, *Two Tenths*, and *Two Fifteenths*, *&c.* according to the *Exigency* of the King's Affairs.

[6] With the Kings Remembrancer in the Exchequer.

*Every Town there that paid a Tenth, and was neither City nor Burgh, was Ancient Demeaſn.

There hath been often mention made of the King's Demeaſn *Cities*
E and *Burghs*, as well as of his Tenents of Ancient Demeaſn, in this Treatiſe. And it will much tend to the underſtanding of it, and of ancient Records and Hiſtory where they are mentioned, to know what they were. And if they be duly conſidered, they are not much unlike one another, having their Names from the ſame thing, that is, from holding of the King by Fee-farm.

What the Kings Demeaſn Cities and Burghs were.

For thoſe Town and Lands which are found in *Domeſday-Books* un-
F der the Title of Terra Regis, were then and afterwards kept in his Hands, and managed by *Præpoſiti*, or *Bayliffs*, (as were moſt of the Towns and Lands of *Biſhops*, *Abbats*, *Priors*, *Earls*, *Barons*, and other *Great Men*) and called his, and their Demeaſns; which in proceſs of time were let to Farm to Tenents for a conſiderable part of their true value, an half part, third or fourth at leaſt, and this Rent was called a Fee-Farm-Rent, the Tenents eſteeming what theſe

The Original of Fee-Farms.

Eſtates were above the Rent, or in reſpect of the Tenure, to be to them; *at*, or *tanquain de feodo*, as if they were holden in Fee; paying their Rent, and Tallages.

Of the ſame condition were Cities and Burghs; at firſt they were kept in the Kings Hands, and the Cuſtoms and Profits, that aroſe from Trade, gathered by his Bayliffs and Officers, which afterward were let out in Fee-Farm; to the Communities of Cities and Burghs, which commonly were made ſuch, by the ſame Charters by which the Cuſtoms in kind, or the true value of them, as then Collected, were changed into Fee-Farm Rents, and the Kings Officers, or others in Lieu of them, were made Officers as well to the Cities and Burghs, as to himſelf. This is clearly apparent from the Narrative of great *Yarmouth*, in the Appendix N. 1. A. N. 1. B. and from the Charter N. 2, as alſo from the Second Charter of *Donewic*, N. 3. B. and from others. And may further be confirmed by the following Record. A B

Amerciamenta [7] *Hominum & Burgenſium Firmariorum Diverſarum Villatarum* ad Feodi Firmam *de Rege tenentium qui non venerunt* ad Scaccarium *ad faciendum* Proffrum *de firmis ſuis in Craſtino Sancti* Michaelis *Anno Regni Regis Edwardi Tertii poſt Conqueſtum* VI *incipiente*, V *finiente*.

[7] Adventus Vicecom. Anno 5 Ed. 3. finiente, incipiente 6. in Craſtino Sancti Mich. apud Remem. Theſaura. in Scaccario.

C

Northumberland.	*De hominibus Villæ de* Bamburgh *quia non venerunt ad Scaccarium ad faciendum Proffrum ſuum ad Diem prædictum.*	V *Merc.*
Bedeford.	*De Hominibus Villæ* Bedeford *pro eodem*	V *Merc.*
Eſſex.	*De Hominibus Villæ de* Colcheſtre *pro eodem*	V *Merc.*
Dorſet.	*De Hominibus Villæ de* Brudport *pro eodem*	V *Merc.*

Et Memorandum quod hujuſmodi Firmarii, *& alii* Vicecomites & Ballivi *conſimili modo amerciati ſunt pro non Adventu ſuo ad Proffrum ſuum Tempore Regis Edwardi filii Regis Henrici, ſicut continetur in Memorandis Anni* XVIII *ejuſdem inter Communia de Termino Sancti Michaelis.* D

The Amerciaments of the Men and Burgeſſes, Farmers of divers Towns, holden of the King in Fee-Farm, who came not to the Exchequer or Scaccar, to make the proffer, (i. e. the * beginning of their Accounts) on the morrow of St *Michael* in the Year of the Reign of King *Edward* the Third, after the Conqueſt beginning the Sixth, ending the Fifth. E

* At this time they began their Accounts for that half Year, and paid a ſmall Sum in part of their Rent, which was called their proffer.

Northumberland.	Of the Men of the Town of *Bamburgh*, becauſe they came not to the Scaccar to make their proffer at the Day aforeſaid.	*Five Marks.*
Bedford.	Of the Men of the Town of *Bedford* for the ſame.	*Five Marks.* F
Eſſex.	Of the Men of the Town of *Colcheſter* for the ſame.	*Five Marks.*
Dorſet.	Of the Men of the Town of *Brudport* for the ſame.	*Five Marks.*

It

It cannot be denied, that many Towns which are now *Parlement Burghs* were the *ancient Demeaſns* of the *Crown*, and that the Lands belonging to them were holden in *Fee-Farm*. But then it muſt be conſidered, that the Towns and Lands ſo *holden*, were holden by particular Men, by *Grant* from the Crown, and as *Tenents* to the *Manner*, where the Lands lay, or to ſome other *Manner*, at ſome di-
A ſtance from them, and therefore for this reaſon, they could not be called, *Civitates & Burgi Dominici Regis*. The Kings *Demeaſn Cities* and Burghs, but muſt be ſo called, by reaſon of the *Fee-Farm* they paid as *Cities* and *Burghs*, as *Communities*, *Corporations* and Bodies *Politique*, *conſtituted* by the Kings Charters, with *Liberty* of free *Trading*, from which Trade, or from Tolls and Cuſtoms thereby happening, the Fee-Farms of ſuch Communities aroſe, and from hence the *Burgeſſes* of ſuch places, as *Burgeſſes* were *called* the Kings
B *Farmers*, or *Tenents* in *Fee-Farm*.

Cities and Burghs why called Demeaſn Cities and Burghs.

Having ſeen, what the *Civitates & Burgi Dominici Regis*, the Kings *Demeaſn Cities* and *Burghs* were, we ſhall next ſhew what, and how many of the preſent *Parlement Burghs* were *ancient Demeaſns*. And in doing this, I will follow the direction of an ancient [8] Writ, to the Treaſurer and Barons of the Exchequer, in 48th of *Edward* the Third, when the Men of the *Town* of *Lindon* in the
C County of *Roteland*, complained to the King, that notwithſtanding it was neither *Burgh* nor *antient Demeaſn* of the Crown, yet it was *Taxed* a *Tenth*, whereas they ſhould have been *Taxed* only a *Fifteenth*, in this caſe the King Commands the *Treaſurer* and *Barons* of the *Exchequer*, that if it did appear by his *Book* called *Domeſday*, or by other *Rolls* and *Memorials* of the Exchequer, or any other competent way, that it was neither *Burgh* nor *antient Demeaſn*, they ſhould accept a *Fifteenth* and diſcharge them of the *Tenth*, *&c.* *Vobis mandamus quod*
D *ſi per Librum noſtrum qui vocatur* **Domeſday**, *vel per alios* **Rotulos & Memoranda** *Scaccarii ſive alio modo competenti dictam Villam Burgum vel de* **Antiquo Dominico** *Coronæ noſtræ non eſſe invenire contigerit, &c.*

[8] Old Regiſter, fol. 181. B. f. 182. A.

From this Book therefore of *Domeſday*, and other *Records* it will manifeſtly appear, which of the preſent *Burghs* were ancient Demeaſns.

E

In *Berk-Shire New-Windſor*, and *Reding* in *Buckingham-Shire*, *Wicomb*, *Wendover*, *Alisbury* then no *Burghs*. In *Devon-Shire*, *Barnſtable*, *Plimpton*, *Taviſtoke*, *Aſh-Burton*, *Tiverton*, the four laſt then *no Burghs*. *Dorſet-ſhire*, *Melcomb* then no Burgh. *Eſſex*, *Maldon*. *Gloceſter-Shire*, *Tewkeſbury*, *Cirenceſter*, the laſt then *no Burgh*. *Hereford-Shire*, *Lemſter* then *no Burgh*. *Huntington-Shire*, *Huntington* 3 *Henry Quinti*. *Lincoln-Shire*, *Grantham*, *Grimeſby*, then the laſt
F *no Burgh*. *Norfolk*, City of *Norwich*, *Great Yarmouth*, *Thetford*. *Oxford-Shire*, *Woodſtooke*, but then *no Burgh*. *Sommerſet-Shire*, *Ilcheſter*, *Milborne*. *Ham-Shire*, *Andover*. *Stafford-Shire*, *Tamworth*. *Suffolk*, *Ipſwich*. *Surrey*, *Guildford*. *Wilt-Shire*, *Wilton*, *Weſtbury*, *Caln*, *Chepeham*, now *Chippenham*, *Cricklade*, *Bedwin*, then the laſt *Weſtbury* and *Chepeham no Burghs*. *York-Shire*, *Knareſburg*, *Malton*, *Threſke*, *Alvertune*, then *no Burghs*. All theſe Towns are

How many of the preſent Burghs, were only Towns in ancient Demeaſn.

to be found under the Title of *Terra Regis*, the Kings Land in *Domesday* Books, in the several Counties, except *Wicomb*, which is to be found in *Buckingham-Shire*, under the Title of *Terra Episcopi Wintoniensis*, and was allotted to the *Monks* of *Wincheſter* for their Diet, both before and after the Conqueſt. *Hoc* * *Manerium* (i. e. *Wicomb.*) *fuit & eſt ad victum Monacorum Wintonienſium.* But how I cannot ſay, this Town afterwards came into the Kings Hands, and was the Demeaſn of the Crown. For in the [9] Fifth of his Reign King *John* Granted it in *Fee-Farm*, at the Rent of 20 *l. per Annum*, and the Service of one Knights Fee, to *Alan Baſſet*, and King *Henry* the Third, in the 33d year of his Reign, when he *Taxed* his *Demeaſns* at the requeſt of *Philip Baſſet* his Son, directed his Writ to the *Sheriff* of *Buckingham-Shire* to impoſe a reaſonable *Tallage* upon the Tenents of *Philip* in *Wicomb*, as having been once the Demeaſn of his *Progenitors* as appears by the Writ it ſelf. [1] *Quia Rex Talliari facit Dominica ſua Mandatum eſt Vicecomiti Bucks, quod habere faciat Philippo Baſſet Rationabile Tallagium de Hominibus ſuis de eo Tenentibus in Manerio de Wycumb, quod aliquando fuit Dominicum Prædeceſſorum Regis, Regum Angliæ. Teſte Rege apud Weſtminſter Viceſimo Octavo Die Decemb.*

* Domeſd. f. 143. B. Col. 2.

[9] Cart. 5. Johan. n. 210.

[1] Clauſ. 33. *Henry* the 3d m. 14.

In *Cornwal* at the [2] time of the Survey, none of the now *Burghs* were placed under the Title of *Terra Regis*, unleſs that which was then called *Henliſtone*, and deſcribed as an ordinary Town, be now *Helſton*, nor had any of them at the time aforeſaid, the Title of *Burghs*, [3] *Eccleſia Sancti Germani*, that Manner or Pariſh conſiſted of Twenty four *Hides*, whereof the *Biſhop* of *Exceſter* had Twelve, and the *Canons* of the place had Twelve, what belonged to the *Biſhop* was valued at *VIII l.* by the Year, what belonged to the *Canons* was valued at an C. Shillings. *In hoc Manerio eſt Mercatum in Die Dominico ſed ad nichilum redigitur pro Mercato Comitis Moritonii quod ibi eſt proximum*, in this *Manner* is a *Mercate* on the Lords Day, but 'tis reduced to nothing by reaſon of the *Mercate* of the Earl of *Moreton*, that is very near.

[2] The time of the making of Domeſday Book which ſee in *Cornwal.*

[3] Domeſd. in *Cornwal, ſub Tit. Terræ Epiſcop. Exceſtren.*

The Earl of *Moreton* [4] holds *Liſcarret*, there deſcribed as an ordinary Town, the ſame holds *Favintone*, there deſcribed as an ordinary Town, Pariſh or Village, the ſame holds *Dunhevet* (now *Lanceſton*) *ibi Caſtrum Comitis*, there is *the Earls Caſtle, or the Head of the County.*

[4] Ibid. Sub. Tit. Terræ Comit. Moriton. f. 121. B. Col. 1.

The [5] *Church* of St. *Petroc* holds *Bodmine*, there St. *Petroc* hath 68 Houſes, and a *Mercate*, the whole is valued at XXXV Shillings by the Year.

[5] Ibid. f. 120. B. Col. 2.

No other *Names* of the preſent *Burghs* in *Cornwal* to be found in *Domeſday Book*, or other things of theſe.

In *Devonſhire*, beſides what were mentioned before under the *Title* of *Terra Regis*. There is *Exceſter Burgus* deſcribed by it ſelf, *Honetone* under the Title of *Terra Comitis Moretonenſis* but no *Burgh*. *Totnais Burgus*, under the Title of *Terra Judhael de Totnais*, and *Ochementone* (I ſuppoſe now *Okehampton*) *Burgus*, under the *Title* of *Baldwin* the Sheriff. *Baldwinus Vicecomes* [6] *Tenet Ochementone de Rege, ibi ſedet Caſtellum, ibi quatuor Burgenſes, & Mercatum valet* IIII *Solidos.*

[6] Ibid. f. 105. B. Col. 2.

No

No other *Names* of the preſent *Burghs* to be found in this County, in *Domeſday-Book*, unleſs, as hath been noted before, thoſe which are placed under the *Title* of *Terra-Regis*.

In *Wiltſhire*, beſides what were reckoned before under the Title of *Terra-Regis*, there is [7] *Malmesbery* deſcribed by it ſelf; *Merleberg* is deſcribed as an *ordinary* Town, no *Burgh*. *Duntone* is placed under the *Title* of *Terra Epiſcopi Wintonienſis*, no *Burgh*, but deſcribed as an *ordinary* Town. *Salisbery* is under the *Title* of [8] *Terra Epiſcopi Salisberienſis*, no *Burgh*, but deſcribed as a very *great Manner*, and as other *Country Towns*, only thus in part of the Deſcription. *In Wiltune vii. Burgenſes pertinentes huic Manerio, reddunt lxv. Denarios.* [9] *Etesbery* (I ſuppoſe now *Heytsbury*) under the *Title* of *Terra Aluredi de Iſpania*, and is thus deſcribed; *Aluredus* [1] *de Iſpania Tenet de Rege Etesberie,* Alwi *Tenuit Tempore Regis Edwardi, valuit iii l. modo iiii l.*

[7] Ibid. fol. 64. B. Col. 1.

[8] Ibid. fol. 66. A. Col. 1.

only Wiltuns

[1] Ibid. fol. 73. A. Col. 1.

No other Names of the preſent *Burghs* to be found in the *Deſcription* of *Wiltſhire*, but ſuch as were *Ancient Demeaſns*.

And ſo it is in other Shires and Counties, ſuch eſpecially as have now many *Burghs* in them, as *Somerſetſhire*, *Hamſhire*, *Suſſex*, *Lancaſhire* and *Yorkſhire*, in every of theſe there are now ſeveral real or reputed *Burghs*, whoſe Names are not to be found in the *Conquerors Survey*.

The Original of our preſent Burghs.

And therefore we are next to ſhew, or at leaſt make a probable conjecture, what the *Original* of many (if not all) our preſent *Burghs* was; which to me ſeems to have been only from *Charters*. We will begin with thoſe of *Cornwal*, which are moſt obſcure, and then inſtance in ſome others.

Helleſton.

For the *Burgh* of *Helleſton* ſee Appendix, Numb. 8.

Truro. made a Bourg in King Stephens time

Truro, Truru, or *Triuereu*, was ſomtime the Poſſeſſion of *Richard de Lucy*, a Perſon of great Note in the *Reigns* of King *Stephen*, and *Henry* the Second; in the Eighth of whoſe Reign he was made *Juſtice* of *England*. From him it came to *Reginald Fitz-Roy*, who was one of the *Illegitimate* Sons of King *Henry* the *Firſt*, and was [2] Created *Earl* of *Cornwal* by King *Stephen* in the Fifth of his Reign, and died in the 21ſt of *Henry* the Second. He, by his *Charter*, Granted to his *Free Burgeſſes* of *Triuereu*, That they ſhould have all their *Free Cuſtoms*, and ſuch as were uſed in *Cities*, and the ſame in all things which they had in the time of *Richard de Lucy*: (That is to ſay) *Sac*, *Soc*, *Tol*, *Them*, and *Infangenethuf*; and Granted them, That they ſhould not *Plead* or be *Proſecuted* in *Hundred* or *County-Courts*, nor for any *Summons* ſhould go any where to any *Law-Buſineſs* without the Town of *Triuereu*; and that they ſhould be *Quit* from paying *Toll* through all *Cornwal*, in *Fayrs* and *Mercats*, and whereſoever they bought and ſold. And that for the *Goods* they *Truſted*, when they were not paid, they might *Diſtreyn* their *Debtors*, when they found them in their Town. The *Charter* it ſelf runs thus:

[2] Dugd. Baron. f. 610. Col. 1, 2.

Reginaldus Regis Filius Comes [3] *Cornubiæ. Omnibus Baronibus Cornubiæ & omnibus Militibus, & omnibus Libere-Tenentibus, & omnibus Tam Anglicis quam Cornubiensibus, salutem. Sciatis, quod concessi* **Liberis Burgensibus** *meis de* **Triuereu** *habere omnes* **Liberas Consuetudines** *&* **Urbanas**, *& easdem in omnibus quas habuerunt in Tempore* **Ricardi** *de* **Lucy**, *scilicet* **Sacham**, *&* **Socham**, *&* **Toll**, *&* **Them**, *&* **Hinfangenethuf** *& Concessi eis quod non placitent in* **Hundredis**, *nec* **Comitatibus**, *nec pro aliqua summonitione eant ad placitandum alicubi extra villam de* **Triuereu**, *& quod quieti sint de* **Tholneo** *dando per totam* **Cornubiam** *in* feriis, *& in* foris, *& ubicunque emerint & vendiderint, & quod de pecunia eorum accredita, & non reddita* **Namum** *capiant, in Villa sua de Debitoribus suis. His Testibus, &c.* without Date. A

In the same *Record* it follows thus: *Inspeximus etiam Chartam quam Henricus proavus Noster* (*Henry* the Second, who was Great Grandfather to *Edward* the First) *fecit eisdem Burgensibus in hæc Verba. Henricus Dei Gratia Rex Angliæ, & Dux Normanniæ, & Aquitaniæ & Comes Andegaviæ, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciiariis, Vicecomitibus, Ministris & omnibus fidelibus suis Francis, & Anglis, totius* **Angliæ**, *&* **Cornubiæ**, *Salutem. Sciatis me Concessisse & Præsenti Carta Confirmasse* **Burgensibus** *Richardi de Lucy de* **Triuereu** *omnes Libertates & Liberas Consuetudines, quas* **Comes Reginaldus Abunculus meus**, (base Son to **Henry** the First, and so Brother to **Maud** the Empress) *rationabiliter dedit eis & concessit sicut* **Carta** *ipsius Comitis Testatur, quare volo, &c. Testibus R. Episcopo Winton. &c.* without date, both which Charters *Edward* the First Confirmed by his Charter, dated on the 12th of *June*, in the * 13th of his Reign, **Edmund** then *Earl* of *Cornwal* being a Witness to it. B C

* A. D. 1284.

Richard, Brother to King *Henry* the Third, was created Earl of *Cornwal* in the [4] Fifteenth year of his Reign, who by his [5] Charter, without date made **Dunheved** or **Lanceston** a *free Burgh*, and amongst other Liberties, *Granted* to the *Burgesses* to choose their own Bayliffs, who were to answer the *Farm* of the *Burgh*, which was to himself an *Hundred Shillings*, to the Priory of St *Stephen* in *Lanceston*, *Sixty Five Shillings* and Ten Pence, and to the *Lepers* of St *Leonard* of *Lanceston* an *Hundred Shillings* of his *Alms*. He granted them also *Unam Placeam*, where they should think it most Decent and Honourable, to *erect* a *Gild-Hall* in the same *Burgh*, to *hold* of *him* and his *heirs*, by a Pound of Pepper to be paid yearly at *Michaelmass* for *all Service* and *Demand* whatever, he *Granted* also they should not be *Taxed* when the *County* was, nor *Talliated*, by him or his Heirs, when the King *Talliated* all his *Burghs* in *England*. *Et* [6] *quod non Talliantur per nos vel Hæredes nostros ad Tempus quando Dominus Rex omnes Burgos suos per Angliam Talliaverit*. There were *Burgesses* inhabiting in, or belonging to the Castle of this Town in the time of King *Henry* the Second, who had certain *Liberties* and *Privileges*, as appears by the *Charter* of *Hellestone* in the Appendix, N. 8. D E F

[4] Cart. 15. Hen. 3. M. 4.

[5] Pat. 2. Hen. 5. part. 3. M. 28 per inspeximus.

Dunheved or *Lanceston.* made a Bourgh in Henry 3^d^ time

[6] Ibid.

Leskard.

[7] Pat. 2. E. 3. Part. 2. M. 14. per inspeximus.

The same *Earl* **Richard** made **Liskereth** or **Liskard** a *free Burgh*, and Granted to the *Burgesses* [7] all those *Liberties* and *Free Customs*, which by his *Charter* he had *Granted* to his *Burgesses* of *Lanceston* and *Helle-*

Helleſton. This *Charter* is dated 5 *Junii*, in the 24th of his Brother *Henry* the Third. *A. D.* 1240.

Edmund Earl of *Cornwal* his Son in the [8] Third of *Edward* the Firſt, *Granted* this *whole Burgh*, with the *Rent* of the ſame, and his *Mills* of *Bodgara*, and *Lonvil*, with the *Hill* of *Bodgara* and the *Meadows* belonging to the *Mills*, with the *Toll* of the *Mercat* and A *Fairs*, and alſo all *Fines*, *Mulcts* and *Perquiſites* of the ſame *Burgh*, belonging to him and his Heirs in *Fee-Farm*, at the Rent of *Eighteen Pounds Sterling*, to be paid to him or his Heirs by the hands of his *Seneſchal* of *Cornwal*, by equal portions at *Eaſter* and *Michaelmaſs*, [9] except to himſelf and Heirs, that they might *Talliate* the ſaid *Burgh*, as often and when the King of *England* did *Talliate* his *Cities* and *Burghs*. *Salvo nobis & Hæredibus noſtris quod prædictum Burgum Talliare poſſumus, quotieſcunque Dominus Rex Angliæ Civitates &* B *Burgos ſuos Talliauerit.*

[8] Ibid.

[9] Ibid.

The ſame Earl *Richard*, [1] Granted to the *Prior* and *Canons* of *Bodmin*, a free *Merchand-Gild*, (Gildam Mercatoriam) in that Town, and that their *Burgeſſes* ſhould be *free* and *quit* of all *Cuſtoms* and *Exactions* through all *Cornwal*, for the yearly Rent of 43 *s.* and 4 *d.* without date, *&c.*

[1] Cart. 13. Ed. 1. n. 9. by Inſpeximus. *Bodmin.*

The ſame *Earl* when he was King of the *Romans*, [2] in the 12th year of his Reign [3] made *Loſtwithiel* and *Penknek* one *free Burgh*, and that his *Burgeſſes* there ſhould have a *Merchant-Gild*, and then C proceeds and *Grants* them further *Liberties* in the *ſame words* with thoſe of *Truro*.

[2] Cart. 19. Ed. 2. n. 24. by Inſpeximus.
[3] A.D. 1269. Hen. 3. 53. *Loſtwithiel.*

John of *Eltham* Second Son to *Edward* the Second, was *Earl* of *Cornwal*, who [4] *gave* and *Granted* to his *Burgeſſes* of *Grauntpount*, or Great-Bridge in *Cornwal*, the whole Town, and ſeveral other Lands *abuttalled* and *bounded* in his *Charter*, and made it a *free Burgh*, D which they were to *hold* of *him* and *his Heirs* for ever in *Fee-Farm*, paying at the *Feaſts* of *Eaſter* and *Michaelmaſs*, *Twelve Pounds Eleven Shillings* and *four Pence*. This *Charter* * bears date the Sixth of *October* in the Seventh year of his *deareſt* Brother King *Edward*.

Grauntpount.

[4] Pat. 1. R. 2. part. 6. m. 7. by Inſpeximus. * Vid. Cart. 6. Ed. 3. n. 7. To which this *John* Earl of *Cornwal*, ſo named there, was a Witneſs.

Reginald de Valle Torta, or *Vautort*, who [5] lived in the time of King *John*, and died in the 30th of *Henry* the Third, was *Lord* of the *Honor* and *Caſtle* of *Trematon*, which was head of it, to it [6] E belonged Fifty nine *Fees* of the yearly *Value* of 259 *l.* 6 *s.* 8 *d.* As the *Earls* of *Cornwal* exerciſed their *Jura Regalia* in *erecting* of *Burghs* in the *County*, ſo this *Reginald* and his Anteceſſors, exerciſed theirs in *erecting* the *Burgh* of *Eſſa*, or *Saltaſh*, within their *Honor* of *Trematon*.

[5] Dugd. Baron f. 22. Col. 1. 2.

[6] Rot. Eſchaet. 28. Ed. 1. n. 44.

Eſſa, or *Saltaſh.*

[7] *Sciant præſentes & futuri, Quod ego Reginaldus de Valle Torta Dedi & Conceſſi & hac præſenti Cartâ meâ Confirmavi Liberis Burgenſibus meis de Eſſa omnes Libertates & Liberas Conſuetudines ſuas hic ſubſcriptas, quas habuerunt tempore Anteceſſorum meorum, &c.* which were F many, and amongſt them theſe, That they ſhould *chooſe* their own *Bayliff* or *Mayor*; That they ſhould have the whole *Toll* of *Bread*, *Totum Pænis Theloneum*; and, That none of his *Burgeſſes* ſhould be *taken* and *carried* to his *Caſtle*, *if they were able to find ſufficient Sureties* of their *Peers*, for their *Tranſgreſſions*. This *Charter* was Confirmed by *Richard* the *Second*, *ut ſupra*.

[7] Pat. 5. Ric. 2. part. 1. m. 10. by Inſpeximus.

This

This *Burgh* of *Eſſa* is now called [8] *Saltaſh*, which lies in the ſame *Pariſh* of St *Stephens*, whe.ein the *Caſtle* of *Tremeton*, the *head* of that *Honor* now doth, or then did ſtand. Theſe *inſtances* are ſufficient for *Cornwal*, ſome few do follow in other Counties.

[8] Carew's Survey of Cornwal, p. 111 b. & p. 112. b. printed *A. D.* 1602.

Baldwin de Redverys, [9] Earl of *Devon* and Lord of the *Iſle* (that is, *Wight*) in the 26th of *Henry* the Third, *Granted* to his *Burgeſſes* of *Plympton*, his whole *Burgh* of *Plympton*, with the *Market* and *Fairs*, and all appurtenances to the ſaid *Burgh* belonging, to *have* and to *hold* to *them* and *their Heirs* of *him* and his *Heirs* for ever, ſo *freely* and *quietly*, with all *Liberties* and *free Cuſtoms*, *eo modo ſicut Cives Exoniæ meliùs & liberiùs habent vel habere debent in Civitate ſua Exoniæ, quam de Rege tenent*, in the ſame manner as the *Citiſens* of *Exceſter*, beſt or moſt freely have, or ought to have in their *City*, which they *held* of the King; this *Charter* was confirmed by *Edward* the Firſt, as above. A B

[9] *Cart.* 13. *Ed.* 1. n. 64. by *Inſpeximus*. *Plympton*, of Henry 3d

Preſton in *Lancaſhire*, [1] made a *Burgh* by King *Henry* the Second, had new *Liberties* granted by King *John*, when the *Earl* of *Moreton* and *Lancaſter* confirmed by King *Henry* the Third, and *Edward* the Third.

[1] *Cart.* 2 Ed. 3. n. 6. by *Inſpeximus*. *Preſton*. King Henry

The ſame *John* Earl of *Moreton* and *Lancaſter*, [2] Granted and Confirmed to his *Burgeſſes* of that Town, in the fourth of *Richard* the Firſt, all the *Liberties* which he had Granted to the *Burgeſſes* of *Briſtol*, and furthermore, releaſed to them the *Suit* they ought to his *Mill*, and *acquitted* them from *Ploughing* his Lands, and *performing* other *Servile Cuſtoms*. *Johannes Comes Moreton omnibus hominibus & amicis ſuis Francis & Anglicis præſentibus & futuris, Salutem. Sciatis, me conceſſiſſe & hac Carta mea confirmaſſe Burgenſibus meis Lancaſtriæ omnes Libertates quas Burgenſibus Briſtol conceſſi. Præterea clamavi eoſdem Burgenſes quietos de Secta Molendini, & de Arura, & de aliis Servilibus Conſuetudinibus quas facere ſolebant, &c.* This *Charter* was *confirmed* by this *John*, when King, and by *Edward* the Third, in the Eleventh of his Reign, as in the Margin. C D

[2] *Cart.* 11. Ed. 3. m. 22. n. 39. by *Inſpeximus*. *Lancaſter*. m. of Richard the firſt

John the eldeſt Son of the *Duke* of *Britain*, and Lord of *Richemund*, by his *Charter* without date for *him* and his *Heirs*, [3] Granted to the *Burgeſſes* of *Richemund*, the *Burgh* of *Richemund*, with the *Mercate* and *Fairs*, and the *Tolls*, with all *Rents* of Aſſize, *Attachments*, and *Pleas*, or *Mulcts* of the ſaid *Burgh*, and his whole *Demeaſn*, called the *Land* of *Fonteney*, *&c.* At the Rent of Forty Pound *per Annum*, *&c.* Which Charter was *confirmed* by *Edward* the Third, in the Second of his Reign, as in the Margin. E

Richemund. Edward 3d

[3] *Pat.* 2. *Ed.* 3 *Part.* 1. m. 11. by *Inſpeximus*.

King *John* in the Second of his Reign, Granted to [4] *Baldwin* Earl of *Albemarle* and *Hawis* or *Avis* his Counteſs the free *Burgage* in *Heddun*, now *Hedon*, *Heydon*, or *Hodon* in *Yorkſhire*, to them and their Heirs in *Fee* and *Inheritance*, ſo that their *Burgeſſes* of *Heddun* might *hold* freely and quietly in *free Burgage*, as his *Burgeſſes* of *York* and *Lincoln*, beſt, moſt freely and quietly did hold, with ſuch *Cuſtoms* and *Liberties* as King *Henry* his Father, (that is, *Henry* the Second) Granted to *William Earl* of *Albemarle*, by his reaſonable *Charter*. F

[4] *Cart.* 9. *Ed.* 3. n. 53. by *Inſpeximus*. *Hedon*. of King John

Johannes

Johannes Dei Gratia Rex Angliæ, &c. Sciatis nos Conceſſiſſe [5] *Baldewino Comiti Albemarliæ & Haviſiæ Comitiſſæ Uxori ſuæ liberum Burgagium in Hedduna eis & Hæredibus ſuis in feudo & hæreditate, ita quod Burgenſes eorum Heddunæ, liberè & quietè in libero Burgagio teneant ſicut Burgenſes noſtri de Eborato vel Nichol meliùs, & liberiùs, & quietius tenent, illis Conſuetudinibus & Libertatibus, ſicut Rex Henricus Pater noſter Willielmo Comiti Albemarliæ per Cartam ſuam rationabilem conceſſit. Teſtibus, &c. Dat. apud Caneford* 13 *Die Decemb. Anno Regni noſtri* 2. This Charter was confirmed by *Edward* the Third, as in the Margin. Very many more *Inſtances* might be given of *Charters* of very *obſcure Burghs*, and might alſo be *publiſhed* in the *Appendix*, if it were not for making this *Treatiſe* too Bulky.

[5] Ibid.

From theſe *Inſtances* we may make a more than probable *Conjecture*, that all *Free-Burghs*, though now never ſo obſcure had their *beginning* from Charter, which was *Granted* as well for the *Advantage* of the *King*, *Earl*, or other great Man, *Lord* of the *Burgh*, as for the profit of the *Burgeſſes* themſelves. For a *Free Burgh* in the *true ſenſe* of the word, was only a *Town* of *free Trading*, with a *Merchant Gild*, or *Community*, without paying *Toll*, *Pontage*, *Paſſage*, *Stallage*, *&c.* And being *free* from certain *Fines* or *Mulcts*, from *Suit* to *Hundred*, and *County-Courts*, *or being proſecuted*, *or anſwering there*, *or any where elſe*, *but within their own Burgh*, *except in Pleas of the Crown.* With other *Privileges*, *Liberties* and *Cuſtoms* according to the *Tenor* of particular *Grants* and *Charters*. And a free *Burgeſs* was no other, than a Man that exerciſed free Trade, according to the *Liberties* and *Privileges* of his *Burgh*, whether he reſided in it, or whether he had *Liberty* to live and *Trade* other where.

What a Free Burgh is.

Upon *Account* of theſe *Liberties*, the *Prince* or *Lord* of the *Burgh* received *Toll* and *Cuſtoms*, for the *Goods* bought and ſold, or in proceſs of time a *Fee-Farm Rent*, or Annual *Compoſition* in a ſtated Sum, always *leſs* than the true value, in *Lieu* of them. And a reaſonable *Tallage* or *Aid*, when for his *neceſſity* he had reaſon to impoſe it. And that *Tallage* was due and paid by *Citiſens* and *Burgeſſes*, to our ancient Kings, only in *Conſideration* of their *Liberty* of *Buying*, *Selling* and *Trading*, and the *Liberties* they had *Granted* them to that purpoſe and ſo to do, will be clearly evinced by what follows.

Tallage why paid and impoſed by our antient Kings.

In the [6] Eleventh of *Henry* the Third, *New Sarum* was made a *City* by the Kings Letters Patents, and *given* to the then *Biſhop* his *Succeſſors* and *Canons* there, and their *Succeſſors* as their *proper Demeaſns*, *(tanquam proprium Dominicum)* and further *Granted* to the ſame *Biſhop* and his Succeſſors, that for the *neceſſity* of himſelf or his *Church*, he might take a *reaſonable Tallage* or *Aid* of his *Citiſens*, when the *King* or his *Heirs* made a *reaſonable Tallage* in his *Demeaſns*. *(Concedimus inſuper eidem Epiſcopo, & Succeſſoribus ſuis, quod pro neceſſitatibus ſuis, & Eccleſiæ ſuæ,* **Tallagium** *vel* **rationabile auxilium** *capiant de prædictis Civibus ſuis, quando nos vel hæredes noſtri* **Tallagium** *faciemus in Dominicis noſtris.)*

[6] *Riley's Placit. Parlamentar.* f. 271. The Caſe of *Salisbury* about Tallage.

11th of Henry the 3d. New Sarum was made a City

In the 33d year of *Edward* the Firſt, the *Biſhop* of *Salisbury* [7] required an *Aid* or *Tallage* of the *Citiſens* of *New Sarum*, according to the *Grant* of *Henry* the Third, the *Citiſens* refuſe payment, upon application

[7] Ibid. f. 273.

application of the *Biſhop* to the King, he granted his precept to the Sheriff of *Wiltſhire*, to *Summon*, by two legal Men, the *Mayor* and *Community* (not all the Burgeſſes, but the governing part) of *New Sarum*, to appear before *him* and his *Council* at *Weſtminſter*, to ſhew cauſe why they *ought* not to be *Talliated* according to the *Charter* and *Grant* aforeſaid.

[8] Ibid. They appeared by their Attorneys, [8] and Pleaded, that *Richard*, the *Predeceſſor* of the then *Biſhop* with the *Concurrence* and *Aſſent* of the *Dean* and *Chapter*, by their *Charter*, had confirmed to [9] Ibid.f.274. their *Free Citiſens* of *New Sarum* [9] that every one of them ſhould *hold* his *free Tenement*, *(ſuum Liberum Tenementum)* in the *City* aforeſaid, and their *Heirs* likewiſe, honourably, freely, quietly and peaceably, *rendring* to the *Biſhop* and his *Succeſſors*, (*pro plena placea*) that is, *a full Tenement* or *Burgage*, *twelve pence* by the year, and he that *held* more or leſs ſhould pay according to the ſame quantity more or leſs for all *Services* and *Demands*, and upon this they produce the *Charter* of *Biſhop Richard*, and *demand Judgment*, if as they were *Free Men* and *Free Tenents*, (*Deſicut ſunt liberi & libere Tenentes*) as it was contained in the *Charter* aforeſaid, and never were as they ſaid *Talliated*, whether they ought then to be Talliated.

[1] Ibid.f.275. The *Biſhop*, notwithſtanding the *Grant* of his Predeceſſor, [1] affirmed, they *ought* to be *Talliated*, and pleads the *Charter* of King *Henry* III. and that the *Citiſens* at their *own charge* had procued a *Confirmation* of it, from King *Edward*. And the *matter* having been fully *debated* before the King and Council in Parlement, it was ſaid, that King *Henry* in the *Grant* of their *Liberties* (which were no other than thoſe of the *City* of *Winton*, and many other *Cities* and *Burghs*) impoſed upon the ſaid *Citiſens*, the Burthen of the ſaid *Tallage* and reaſonable *Aid*, for the *neceſſities* of the ſaid Church, when the King or his Heirs made a *Tallage* in his *Demeaſns*, and from the time the ſaid *Citiſens* uſed their *Liberties* and *quietances* (that is from *Toll*, *Pontage*, *Paſſage*, *&c.*) to their profit, by the ſaid *Charter*, they ought to bear the *Burthen* impoſed upon them by the ſame, when 'tis conſonant to Reaſon, that thoſe who have the *profit* ſhould bear the *Burthen*.

Tallage paid by Burgeſſes in reſpect of their Trading and the uſe of Burgh Liberties.

[2] Ibid. The King therefore did *Will* and *Command*, [2] that the *Citiſens* ſhould be for that time *Talliated*, for the profit they had received by their *Liberties* from the time of the firſt *Grant* of their *Charter* until then. And afterward *chooſe* whether they would *uſe their Liberties*, and *be Talliated* according to their *Charter* for the future, or *renounce* them, and not be *Talliated*. The *Citiſens* did *chooſe* to *renounce* their *Liberties*, and a few days after *Surrendred* them to the King by the *hands* of their *Mayor*.

The citty of Sarum gives up their charter

When by reaſon of this *Renunciation*, the *Citiſens* could not uſe their *Liberties*, or any one of them, within leſs than the ſpace of a year, they, with the *Biſhop*, *Petition* the King to have their *Liberties* Regranted, and do *ſubmit* to pay *Tallage*, as it follows in the *Charter* of this King, after the *Repetition* of King *Henry*'s *Charter*, and the precedent Judgment. [3] *Et idem Epiſcopus & Prædicti Cives jam nobis attentè ſupplicaverunt, ut de Gratia noſtra concedere velimus*

[3] Cart. 34. Ed. 1. n. 27.

*

limus, libertatibus ſuperius expreſſis, (in the Charter of King *Henry*) *& dictos Cives contingentibus, & per ipſos ut prædictum eſt Renunciatis, de cætero uti poſſint & gaudere, Nos licet dicti Cives Libertatibus prædictis Renunciaverint ſicut prædictum eſt, conſiderantes tamen pium propoſitum quod dictus Pater noſter habuit ad Eccleſiam prædictam, &c. Necnon & per finem quem prædicti Cives fecerunt nobiſcum coram Conſilio noſtro Volumus & Concedimus pro Nobis & Hæredibus noſtris, quod*
A *dicta Civitas de Nova Sarum ſit Libera Civitas ipſius Epiſcopi, & Succeſſorum ſuorum, ac Eccleſiæ ſuæ prædictæ in perpetuum. Et quod Cives ejuſdem Civitatis ibidem manentes ſint Cives ipſius Epiſcopi & Succeſſorum ſuorum, & quod per totam Terram noſtram de Theolonio, Pontagio, Paſſagio, Paiagio, Leſtagio, Stallagio, Cariagio, & omni alia Conſuetudine de omnibus rebus ſuis ſint quieti. Et quod habeant in perpetuum omnes alias Libertates & Quietancias per totam Terram noſtram quas habent Cives noſtri Wynton & quod omnibus &*
B *ſingulis Libertatibus ſupra Scriptis quatenus eos contingunt de Cætero utantur & gaudeant adeo plenè & integrè ſicut in dicta Carta prædicti Patris noſtri necnon & in Carta noſtra de Confirmatione prædicta plenius continentur. Quodque idem Epiſcopus & Succeſſores ſui, Tallagium vel rationabile auxilium capiant de prædictis Civibus ſuis, Hæredibus vel Succeſſoribus ſuis ratione Libertatum ipſis Civibus per nos ſic conceſſarum quando nos vel Hæredes noſtri Tallagium in noſtris Dominicis de cætero faciemus. Quare volumus, &c.* In Engliſh thus.

C

And the ſame *Biſhop* and the foreſaid *Citiſens* now moſt earneſtly have beſeeched us. That of our *eſpecial Grace* we would Grant them the *Liberties* above expreſſed touching the ſaid Citiſens, and which were *renounced* by them, and that they might *uſe* and *enjoy* them; We though the ſaid *Citiſens* have *renounced* the *Liberties* aforeſaid, conſidering the *Pious purpoſe* our Father had to the Church aforeſaid, *&c.* And alſo for the *Compoſition* or *Fine* the *Citiſens* made with us
D before our *Council*, we *Will* and *Grant* for *Us*, and our *Heirs*, that the ſaid *City* of *New Sarum* be the *Biſhops* and his Succeſſors *Free City*, forever, and that the *Citiſens* of the ſame City there dwelling, be the *Biſhops* and his *Succeſſors Citiſens*, and that they be *quit* of *Toll*, *Pontage*, *Paſſage*, *Paiage*, *Leſtage*, *Stallage*, *Carriage*, and all other *Cuſtom* of all their *Goods* through our whole Land, and that they have *for ever* all other *Liberties*, and *Quietances* through our whole Land, which our *Citiſens* of *Wincheſter* have, and that for the future
E they *uſe* and *enjoy* all and *Singular* the above Written *Liberties*, fully and wholly, as they are contained in our *Fathers Charter*, and our *own* of *Confirmation*. And that the ſame *Biſhop* and his *Succeſſors* may take a *reaſonable Tallage* or *Aid* of his *Citiſens* aforeſaid their *Heirs* or *Succeſſors*, by *Reaſon* of the *Liberties* by us ſo *Granted*, when *we* or our *Heirs* ſhall hereafter *Talliate* our *Demeaſns*. Wherefore we *will*, *&c.* Dated the 28th of *May* at *Weſtminſter*. 34th of Edward the

Why Tallage paid by Burghs and Cities.

first the Charter was granted to them again

F The *Emolument* and *Profit* mentioned in this *Judgment* and *Charter*, did *ariſe* from *Buying*, *Selling* and *Trading*, and the *Liberties* (by reaſon whereof the *Citiſens* were *Talliated*,) there ſpoken of, were *Granted* for the *Furtherance* and *Incouragement* of them, which all *Free Citiſens* and *Free Burgeſſes* injoyed, as *Members* of a *Free City* or *Burgh*. And 'tis evident they were called *Free Cities*, (or more frequently) *Free Burghs*, and the *Members* thereof *Free Citiſens*,

Free Burghs, Free Cities, why ſo called.

 and

and *Free Burgeſſes*, (almoſt in all *Charters*) from theſe *Liberties*, and *Free Trading* only, notwithſtanding they were *liable* to reaſonable *Tallage* impoſed by the King, when his *neceſſity* required it; and from their paying a *Fee-Farm* Rent, and being *obnoxious* to the Kings *Tallage*, either expreſſed, or implied in the *Charters*, by the profit received, moſt of the *Cities* or *Burghs* in *England*, were called *Civitates & Burgi Dominici Regis*, as his *Demeaſn* Lands were called *Terræ Regis Dominicæ*, and the *Tenents* of them, *Tenentes Regis Dominici*, for the ſame reaſon, and for others as before hath been ſaid. A

To this we will add another *Record* for the *proof* of the *aſſertion*, that *Tallage* in *Cities* and *Burghs* was paid, upon the *account* of *Buying*, *Selling*, *Trading* or *Merchandiſing*, and *uſe* of their *Liberties Granted* by the King, being a *Petition* in *Parlement* in the 33d of *Edward* the Firſt. B

[4] *Riley's* Placita Parlementar. f. 259.

Ad petitionem [4] *Majoris & Burgenſium Briſtol petentium quod Homines qui Tenent Terras, & Redditus Magiſtri, & fratrum Templi, in Villa Briſtol Tallientur & Contributionem faciant ad Tallagium Regis ejuſdem Villæ cum Burgenſibus ejuſdem, de ſicut ipſi Mercantur, & omnibus aliis Libertatibus & Aiſiamentis uſi ſunt quæ ad dictam Villam pertinent, &c.*

Ita Reſponſum eſt. Diſtringantur pro Contributionibus, & Tallagiis faciendis, & fiat Juſtitia Conquerentibus, & ſuper hoc habeatur Breve de Cancellaria Majori & Ballivis Briſtol. That is. C

To the Petition of the *Mayor* and *Burgeſſes* of *Briſtol*, that the *Tenents* of the *Maſter* and *Brethren* of the Temple, in the *Town* of *Briſtol*, might be *Talliated*, and make *Contribution* to the *Tallage* of the ſame Town paid to the King, with the *Burgeſſes* of the ſame, for that they *Traded* or *Merchandiſed*, and uſed all * *other Liberties* and *Eaſements*, which belong to the ſaid Town. D

* Note Trading, a Liberty.

It was *Anſwered*. Let them be *Diſtreined* for *Contributions*, and *Tallages*, and let Juſtice be done to the Complainants, and upon, or for this, let a Writ go out of *Chancery* directed to the *Mayor* and *Bailiffs* of *Briſtol*.

By what hath been here Written upon that Head, 'tis mightily probable, that our *preſent free Burghs* had their *Origin*, and received the *Liberties* they have of long time uſed, from *Charters* only, (eſpecially ſince the Conqueſt) and if any Man can ſhew any *Burghs*, or Antient Trading Towns, which uſe the Common *Liberties* of *Burghs*, without *Charter*, or that never had one, undoubtedly (if any ſuch there be) they were *Towns holden* of the King in *Ancient Demeaſn*; and the *Inhabitants* upon *preſumption* of being his *Tenents*, did at firſt begin to *Buy*, *Sell* and *Trade*, and by Connivence continued ſo to do, as the *Tenents* or *Men* of the *Templers* did in *Briſtol*, preſuming upon their *Maſters* great Privileges. E F

The Inſtances uſed concerning the Original of Burghs, were of ſuch, as have been Erected by, or Granted to *Earls*. Thoſe *Erected* by the *Charters* of *Earls*, were notwithſtanding conſtituted ſuch, by

by an *Implicite Derivative Power* from the King, who had *Created* them *Earls*, and the Chief Fundamental Dominion of those Burghs remained in the King or Crown: For the *Earls* could not *Talliate* them at their own Pleasure, but only when the Kings *Demeasns* were *Talliated*, and then by his *Grant*, or *Precept*, as is manifest from these two Records.

The Fundamental Dominion of Burghs remained in the King.

A *Rex Vicecomiti Lincoln, Salutem.* [5] *Scias quod Commisimus Dilecto nostro Willielmo Comiti de Warenna Grantham & Stanford cum pertinentiis habendum quousque Terram suam recuperaverit in Normannia, vel quousque ei alibi fecerimus Competens Excambium. Ita tamen quod non possit Talliare Homines de Stanford nisi per præceptum nostrum. Et ideo tibi præcipimus quod ei inde sine dilatione Sesinam habere facias. Teste Rege apud Westm. 19. Die Aprilis.*

[5] Cl. 6. Johan. m. 4.

B By this Record it seems probable, that by the Original Grant, *William de Warenna* might have Power and Licence to *Talliate Grantham*, but he could not impose *Tallage* upon *Stanford*, but by the Kings *Precept*. The other Record is this.

Rex Vicecomiti Cornubiæ, Salutem. [6] *Scias quod de Consilio nostro provisum est, quod auxilium Efficax assideri faciamus in omnibus Burgis & Dominicis nostris per totam Terram nostram Angliæ, & Volu-*
C *mus quod Consimile auxilium assideatur per Totam Ballivam tuam in Dominicis & Burgis nostris, ad opus dilecti fratris nostri R. Comitis Pictaviæ, & ideo tibi præcipimus quod una cum Simone de Brackel, Ballivo prædicti Comitis ad auxilium assidendum in Burgis & Dominicis nostris de Comitatu tuo diligenter intendas, Teste Rege apud Westm. 16 Die Februarii.*

[6] Cl. 11. Hen. 3. part. 1. m. 19. De Tallag. in Comitatu Cornub.

Sir *William Dugdale* in his Baronage, Fol. 762. Col. 1. Says,
D *Richard* Earl of *Poictou* Brother to King *Henry* the Third, was *Created* Earl of *Cornwal* in the Eleventh of his Reign, if so, the King might *Grant* this Precept after he was Earl, and call them his *Demeasn* and *Burghs*, by reason of his *Supream Original Dominion*, and *Prerogative*; or if not *made Earl* of *Cornwal* until the Fifteenth of that King, as hath been noted before, he might then have the *Earldom* of *Cornwal* in his Hands by *Eschaet*, or Forfeiture, and so call the *Revenues* of the *Earldom*, and *Burghs* in that County, his *Demeasns*.
E Which way soever it was, his *Brother Richard* could not *impose* a *Tallage without his Precept*. Which was a certain Argument that the *Supream Dominion* of those *Cornish Burghs* was in the King.

I shall conclude this Treatise with the Answers to these two Questions.

F *First*, Who named them, and by whose *Direction* and *Appointment* it was, that such, or such *Burghs* chose, and sent *Burgesses* or *Members* to *Parlement*, and not others?

Secondly, Who then were, or ought to be the *Electors*, in *Real* or *Reputed Burghs*?

The Sheriffs at first directed, what Towns or Burghs should send Burgesses to Parlement.

To the First. It was left to the *Sheriff* of each County to *Name* and *Direct* which were *Burghs*, and which were not, by those *Indefinite* and *General* Words in the Writ. *De qualibet Civitate Duos Cives, & de quolibet Burgo Duos Burgenses, &c. eligi facias, &c.* To cause to be *chosen* two *Citisens* of every *City*, and two *Burgesses* of every *Burgh*.

A

[7] Retorn. Brev. Parl. 26. Ed. 1. in Turri Lond. *Wiltshire.*

The [7] first *Returns* Extant of *Knights, Citisens* and *Burgesses* are in the Twenty Sixth of *Edward* the First, and in that of *Wiltshire* for that year *Annexed* to the *Writ*, there were returned two *Knights* for the *County*, two *Citisens* for *New Sarum*, two *Burgesses* for *Dounton*, two *Burgesses* for the *Devises*, two for the *Burgh* of *Chippenham*, and two for *Malmsbury*, with their *Manucaptors*, and the Writ was sent to the *Constable* of *Merleberge*, (that is, the *Constable* of the *Castle* there,) *& Ballivis Libertatis* Caln, *& Worthe, qui nullum inde dederunt Responsum.* And to the *Bayliffs* of the *Liberty* of *Caln* and *Worthe*, who returned no Answer. To the *City* of *New Sarum*, and these Six other *Burghs*, the Sheriff of this year, made his Precepts, and for them only made his Returns.

B

[8] Retorn. Brev. Parl. 12. Ed. 3. *Wilts.*

In the [8] Returns of Knights, Citisens and Burgesses to serve for this County in the Twelfth of *Edward* the Third, in a Parlement holden at *York* three weeks after *Michaelmass*, the Execution of the Writ was in a Schedule sewed to it, *Executio istius Brevis patet in Cedula huic Brevi consuta.* After the Return of the Knights, the Sheriff for that year, Returns only two *Citisens* for *Sarum*, two *Burgesses* for *Wilton* and two for *Dounton*, with *Manucaptors*; and then for two *Burgesses* for *Merleberg*; *Breve retornatum fuit Constabulario Castri Merleberg, eo quod nulla inde fieri potuit Executio in Balliva mea infra Libertatem prædictam. Et idem Constabularius qui habet Returnum omnium Brevium & Executiones eorundem, nullum mihi inde dedit Responsum.* The Writ was returned to the Constable of the Castle of *Marleburgh*, because it could not be Executed by me in that Liberty, and the *Constable*, that hath the *Return* of all *Writs* and the *Execution* of them gave me no Answer. The Sheriff of this year made his Precept to two Burghs only, and for them, and no other made his Return, and one of them was not returned in the Twenty Sixth of *Edward* the First, and then immediately after his Answer concerning *Marleburgh*, closeth the Return thus. *Non sunt plures Civitates, neque Burgi infra Ballivam meam*, that there were no more *Cities*, nor *Burghs* within his *Bailywick:* That is, within the County, notwithstanding *Bedwin, Caln, Chippenham, Creklade, Devises, Lutgershal, Malmsbury* and *Marleburgh* had frequently *Burgesses* returned to Parlement, especially the two later, before this time, as appears by the *Returns* in *Edward* the First, Second and Third until this year.

C

D

E

F

[9] Retorn. Brev. Parl. 36. Ed. 3. *Wilts.*

In the [9] Return of the Thirty Sixth of this King, after the Return of Knights for the same County, and *Citisens* for *New Sarum*, there were by this Sheriff two *Burgesses* returned for *Wilton*, two for the *Burgh* of *Old Sarum*, two for the *Burgh* of *Dounton*, two for the *Burgh* of *Chippenham*, two for the *Burgh* of *Caln*, in the Return. *Nomina Burgensium Burgi de Caln*, two for the *Burgh* of *Marleburg*, two for

for the *Burgh* of *Deviſes*, two for the *Burgh* of *Malmsbury*, two for the *Burgh* of *Creklade*, *Nomina Burgenſium Burgi de Creklade*, ſo in the Return, and two for *Bedwinde*. Then after the Names of the Burgeſſes for thoſe *ten Burghs*, with their *Manucaptors*, the Sheriff cloſeth his Return with theſe Words, *& non ſunt plures Civitates nec Burgi in Comitatu prædicto, Ideo inde ulterius nichil actum eſt*, and there are no more Cities nor Burghs, within the ſaid County, and
A therefore there is nothing further done in this matter.

The *Return* of theſe *Burgeſſes* in the Dors of the Writ, is much to our purpoſe, and runs thus: [1] *Ego Henricus Sturmy Vicecomes prætextu iſtius Brevis de Comitatu infra Scripto, Duos Milites, & de qualibet Civitate ejuſdem Comitatus Duos Cives, & de quolibet Burgo dicti Comitatus Duos Burgenſes de melioribus, validioribus, & diſcretioribus, Militibus, Civibus & Burgenſibus, Comitatus, Civitatum &*
B *Burgorum prædictorum eligi feci juxta tenorem iſtius Brevis, & nomina dictorum Militum Civium & Burgenſium patent in quadam cedula huic Brevi Conſuta.* That is,

[1] Ibid. in Dorſo Brevis.

I *Henry Sturmy* Sheriff, by Virtue or Pretext of this Writ, have cauſed to be choſen, in the County under-Written two Knights, and of every *City* of the ſame County two Citiſens, and of every *Burgh* of the ſaid County two Burgeſſes, of the beſt, moſt able, and diſ-
C creet, Knights, Citiſens and *Burgeſſes* of the County, Cities and *Burghs* aforeſaid, according to the Tenor of the Writ; and the Names of the *Knights*, *Citiſens* and *Burgeſſes*, are Written in a Schedule ſewed to this Writ.

WILTS.

In this Return notwithſtanding the Sheriff returned that there were no more *Cities* nor *Burghs* in his County, yet he left out *Lut-*
D *gerſhall*, which had ſent Burgeſſes to Parlement, 7th of *Ed.* 2. twice in the 8th of *Ed.* 2. the 4th of *Ed.* 3. the 14th of *Ed.* 3. and 33d of *Ed.* 3. before this time, as appears by the Returns of thoſe years.

In the 43d of *Edward* the Third. The [2] Return is thus upon the Dors of the Writ. *Ego Walterus Haywood, Vicecom. Vobis ſic Reſpondeo Mandatum Veſtrum Reverenter ſum Executus prout patet in Cedula huic Brevi Conſuta.* I *Walter Haywood* Sheriff, make you this
E Anſwer, that I have Reverently, or rather (according to the meaning of the Man) Truly, Executed your Command, as is to be ſeen in the Schedule ſewed to this Writ. And then Returns only the Names of the *Knights*, *Citiſens* for *New Sarum*, *Burgeſſes* for *Wilton*, *Old Sarum*, *Marleburgh*, the *Deviſes*, *Malmsbury*, *Creklade* and no more, making no Return for *Caln*, *Chippenham*, *Bedwin*, or *Lutgerſhal*, nor Excuſe why he did not.

[2] Retorn. Brev. Parl. 43. Ed. 3. *Wilts.*

In the 26th of [3] *Edward* the 1ſt, The Sheriff of *Buckingham-Shire*
F made this Return in the Dors of the Writ. *Nulli ſunt Cives, nec Burgenſes in Comitatu prædicto, nec Civitas, nec Burgus propter quod Cives, nec Burgenſes coram vobis venire facere non poſſum.* There are no *Citiſens* nor *Burgeſſes* in the County aforeſaid, nor *City*, nor *Burgh*, for which cauſe I cannot make *Citiſens* or *Burgeſſes* to come before you.

[3] Retorn. Brev. Parl. 26. Ed. 1. *Bucks & Bedford.*

In

In the 28th of that King, the [4] Sheriff returned for *Agmundeſham*, *Wicomb* and *Wendover*, two *Burgeſſes* for each, which were *Elected* by thoſe Towns or *Burghs*.

[4] Return. Brev. Parl. 28. Ed. 1. *Bucks, &c.*

In the 30th of the ſame King, there were only [5] two *Burgeſſes* returned for *Wycomb*, and none for *Agmundeſham* or *Wendover*. A

[5] Ibid. 30. Ed. 1. *Bucks, &c.*

In the Firſt and Second of *Edward* the Second, the then Sheriffs [6] returned two *Burgeſſes* for *Wycomb*, two for *Wendover*, two for *Agmondeſham*, and two for *Great Marlow*.

[6] Ibid. 12. Ed. 2. *Bucks, &c.*

In the 6th of *Edward* the Second, Parlement at [7] *Woodſtock July* 20th, the Sheriff made this Return, *Nullæ ſunt Civitates in Comitatu Bucks, nec etiam Burgi præter in Villa de Wycomb.* There are no *Cities* or *Burghs* in the *County* of *Buckingham*, except in the Town of *Wycomb*. B

[7] Ibid. 6. Ed. 2. *Bucks, &c.*

In the 12th of this King, [8] *Wycomb* is only returned as a *Burgh*, and *Burgeſſes* for it in *Buckingham-Shire*, and in the cloſe of the Return, *Nulla eſt Civitas nec plures Burgi, in Balliva mea.* There is no *City* or more *Burghs* in my *Bailywick*; and ſo no other *Burghs* were returned in this County, until after the Reign of *Edward* the Fourth, or the Parlement in 1641. And there are many omiſſions of very many other inconſiderable Burghs, for 100, 150, 200, 250, 300. or more years, grounded upon the like Returns, ſome of which ſent *Burgeſſes*, but once or twice, before the Years, 1640 and 1641. C

[8] Ibid. 12. Ed. 6. *Bucks, &c.*

1641

In the 21ſt and 22d of *Edward* the Third, after the [9] Return for *Knights* of the Shire, for *Gloceſter-Shire*, and *Burgeſſes*, for *Gloceſter* and *Briſtol*, the Sheriff Returns, *Non ſunt plures Burgi ſeu Civitates in Balliva mea*, that there were no more *Cities* nor *Burghs* in his County. D

[9] Ibid. 21. 22. Ed. 3. *Gloceſter-Shire.*

In the 11th, 17th, 22d of *Edward* the Third, after Knights for the County, and only Citiſens for *Worceſter*, the [1] Returns were the ſame as in *Gloceſter-Shire*.

[1] Ibid. 11. 17. 22. Ed. 3. *Worceſter-Shire.*

And ſo it was in [2] *York-Shire*, *Lincoln-Shire*, *Cornwal*, *Dorſet*, *Devon*, *Somerſet*, *Southampton*, *Surry*, *Suſſex*, and *moſt* if not all *Counties* in *England*, where there were, at the time of the Returns, any *Small*, *Poor*, *Inconſiderable Burghs*, and where the Sheriffs were more or leſs kind to them, they *returned* or *omitted* them at Pleaſure, and for all what ever I could find, notwithſtanding all my Endeavour, without the *direction* of the *King* or his *Council*. E

[2] See Returns of theſe ſeveral Counties.

In the 5th of *Richard* the Second, there was a Law made, [3] that if any Sheriff of the Realm ſhould be from thenceforth negligent in making his Returns of Writs of the Parlement, or that he ſhould *leave out* of the ſaid *Returns* any *Cities* or *Bouroughs*, which be bound and of *old time* were wont to come to the *Parlement*, he ſhall be puniſhed in the manner as was accuſtomed to be done in the ſaid Caſe in the ſaid time paſt. But notwithſtanding this Law, the *Practice* of the *Sheriffs* remained the ſame it was before, as will be proved F

[3] Stat. at large, 5. Rich. 2. cap. 4. p. 169.

proved by what ſhall in part next be ſaid concerning the meaning and reaſon of theſe Returns.

When the Sheriffs made their Returns, that there was not any, or more *Cities* and *Burghs* in ſuch or ſuch Counties, than for which they had *Returned* Burgeſſes, no Man can believe they were ſo *Ignorant*, as not to *know* there were other Burghs, or more than they A had Returned *Burgeſſes* for, and therefore ſome other than the very Literal meaning of thoſe Words muſt be found out.

And to my Apprehenſion, the reaſons (which alſo ſhew the meaning) of theſe Returns, in theſe Words, *Non eſt aliqua Civitas, vel aliquis Burgus*, or *non ſunt plures Civitates, vel Burgi* (than what were returned) *in Balliva mea*, was for that many times, there was no *able*, *fit*, *Perſons* for that Service to be found in the other Burghs B of the County, at the time of the Return. (The choice being always made in thoſe days out of their own Body, and not of *Foreigners* or *Country Gentlemen.*) And Secondly, for that the *Burghs* were ſo *Poor* as they were not *able* to *pay* the *Burgeſſes* their *Wages* or *Expences*.

The reaſons of the Returns of *non ſunt plures Burgi*, &c.

This aſſertion ſeems to be manifeſtly evinced, by ſome other Returns made in different Words, though of the ſame Senſe and Import, C [4] in the 21 *Ed.* 3. after the *Burgeſſes* Returned for *Exon*, *Barnſtable*, *Plympton*, *Tavyſtock*, *Toryton* and *Totnes*. The Sheriff of *Devon Shire* cloſeth his Return with theſe Words, *Non ſunt plures Civitates vel Burgi in Balliva mea quæ retornari poſſunt*. There are not any more *Cities* or *Burghs* in my *Bailywick*, which can be Returned, *omitting* all other *Burghs* in that County, by theſe Words it ſhould ſeem, that either there were no Burgeſſes *fit* or *qualified* for the *Service* of *Parlement* in the other *Burghs*, or that they were ſo *Poor* as D they could not bear the *Expences* of ſuch as ſhould ſerve for them, for the Sheriff *denies* not that there were more *Burghs* in his County, but *affirms* they were *ſuch* as could not be Returned, and if not for *theſe*, 'tis hard to imagine, for what *other Reaſons* they were ſuch.

[4] Retorn. Brev, Parl. 21. Ed. 3. *Devon.*

In the [5] Returns for *Worceſter-Shire* in 8 and 12 of *Ed.* 2. and 12, 14 *Ed.* 3. the Sheriff ends them thus, after the Returns of *Knights* for the *County*, and *Citiſens* for *Worceſter*, *Non eſt aliquis Burgus in* E *Balliva mea*, *unde aliqui ſunt Burgenſes qui ad dictum Parlementum venire poſſunt*, there is not any *Burgh* in my *Bailywick*, whence any *Burgeſſes* can come to Parlement. For the reaſons without doubt abovementioned. Though *Wyche* (now *Droitwich*) had ſent Burgeſſes to Parlement, 26. 28. 29. 30. of *Ed.* 1. and in 2. and 4. *Ed.* 2. and in 28. and 29. *Ed.* 1. they received their Expences, as appears by the Writs, *de Expenſis Militum*, *Civium & Burgenſium*, then directed to the *Bailiffs* of that Town, and are to be found in the F *cloſe Rolls* in thoſe years.

[5] Ibid. in thoſe years. *Wigorn.*

In the 27. 28. 29. 33. of *Hen.* 6. the Sheriffs of [6] *York-Shire*, after the Return * only of the *Burgeſſes* for *Scardeburgh* conclude

[6] Ibid. in thoſe years.

* *York* was then a *City* and County, and ſo the Writs for *Citiſens* were directed to, and returned by the Sheriffs of that City, and *Hull* was then alſo a Town and County, and the Writs were directed to, and returned by the Sheriffs of that Town.

* thus.

thus. *Et non ſunt Aliquæ Civitates, vel aliqua Civitas, nec plures Burgi in Comitatu Eborum, unde aliquis Civis, ceu plures Burgenſes ad Parliamentum prædictum ad præſens venire facere poſſum.* And there are not any *Cities*, or *City*, or more *Burghs* in the County of *York*, from whence I can make any *Citiſens*, or more *Burgeſſes* at preſent come to the foreſaid *Parlement*. I ſee not what could be a *Temporary reaſon* why at that preſent the Sheriff of *York-Shire*, could not cauſe more Burgeſſes to come to thoſe Parlements, from other Burghs than *Scardeburgh*, except one, or both of thoſe abovementioned. A

[7] Ibid. 29. Hen. 6. *Norff. & Suff.*

In the 29 *Hen.* 6. only *Citiſens* [7] for *Norwich*, Burgeſſes for *Lin* and *Yarmouth* Returned for *Norffolk*, and only for *Ipſwick* and *Donewick* for *Suffolk*.

[8] Ibid. 28. Hen. 6. *Cornwal.*

In [8] *Cornwal*, 28th of the ſame King, Burgeſſes returned only for *Launceſton*, *Leskard*, *Bodmin*, *Loſtwithiel*, *Truro*, *Helleſton*, and then follows, *Nullæ ſunt Civitates infra Ballivam meam, nec ſunt plures Burgi infra Ballivam meam.* B

[9] Ibid. 28. Hen. 6. *Devon.*

In [9] *Devon*, the ſame year Burgeſſes Returned only for *Exon*, *Dartmouth*, *Totnes*, *Plimouth*, *Plimpton*, *Taveſtock*, *Barnſtable*.

[1] Ibid. 26. Ed. 1. *Lanca-Shire.*

In the 26th of *Ed.* 1. after the Knights of the Shire [1], *Ralph Fitz-Thomas* and *William le Chantour* were *Returned* for the Town of *Lancaſter*, and *Adam Fitz-Ralph*, and *Adam de Biri* for *Preſton*. C

[2] Ibid. 2. Ed. 2. *Lanca-Shire.*

In the 8th of *Ed.* 2. only [2] Knights of the Shire Returned, no Burgeſſes for any Burghs.

[3] Ibid. 19. Ed. 2. *Lanca-Shire.*

In the 19th of *Ed.* 2. for [3] *Lancaſter*, *William Laurence*, *John Brokeholes*, no Return then for *Preſton*, and the Words of the Sheriffs Return are, *Non ſunt aliquæ Civitates in dicto Comitatu nec Burgi præter Lancaſter in Balliva mea*, there are no Cities in the ſaid County, nor Burghs, beſide *Lancaſter* in my Bailywick. D

* Retorn. Brev. Parl. 1. Ed. 3. *Lanca-Shire.*

In the 1. * of *Ed.* 3. at the Parlement at *Lincoln*, that year *John le Ken*, and *Laurence de Bulke* were returned for *Lancaſter*, and *John Starkey* and *Henry Banaſter* for *Preſton*, and no Returns for other Burghs.

He began his Reign *January* 25th *A. D.* 1326. E

* Ibid. Eodem Anno.

In the * ſame year at the Parlement at *York*, *Nich. de Lancaſter* and *Henry Burgeis* were Returned for *Lancaſter*, but none for *Preſton*, or any other Burgh.

* Ibid. 2. Ed. 3. *Lanca-Shire.*

In the * Second of the ſame King, in the Parlement at *Northampton* three Weeks after *Eaſter*. The Writ of Summons dated 5. *Martii*. *John de Burghton* Sheriff. *Adam Fitz-Simon*, *John le Ken*, were Returned for *Lancaſter*, and then the *Return* was thus cloſed. *Non ſunt aliquæ Civitates vel Burgi in Balliva mea præter Burgum Lancaſter.* There are no Cities and Burghs in my Bailywick, except the Burgh of *Lancaſter*. No *Return* for *Preſton* this Parlement. F

* Ibid. Eodem Anno.

In the * ſame year of the ſame King, in the Parlement at *New Sarum* on *Sunday* next after Fifteen days after *Michaëlmaſs*, the Writ

* of

of Summons dated 26 *Auguſti*, and the ſame *John de Burghton* Sheriff, *John le Ken*, and *Robert de Bolroun* were Returned for *Lancaſter*; and for *Preſton*, *William Fitz-Paulin*, and *Nich. de Preſton*, and then the Return ends thus, *Non ſunt aliquæ Civitates in Balliva mea.* There are no Cities in my Bailywick.

A In the * 4th of *Edward* the Third, in the Parlement at *Wincheſter* on the *Sunday* next before St *Gregory*, the Writ of Summons dated 25 *Januarii*, *John de Denom* Sheriff, *William de Bolleroun*, *John de Bulke* Returned for *Lancaſter*, but no Burgeſſes Returned for *Preſton*, nor doth the Return *end* with, *Non ſunt alii Burgi, &c.*

* Ibid. 4. Ed. 3. *Lanca-Shire.*

B In the * ſame year of the ſame King, in the Parlement at *Weſtminſter* on the *Monday* before the Feaſt of St *Katherine*, (i. e. *November* 25th.) the Writ of Summons dated 23 *Octobris*. The ſame *John de Denom* Sheriff, *Robert de Bolleroun* and *John de Ken* were Returned for *Lancaſter*; and *William Fitz-Paulin* and *Henry Haydoke* for *Preſton*, and then the Return is thus concluded, *Non ſunt alii Burgi in Balliva mea.*

* Ibid. the ſame year.

C In the * 34th of *Edward* the Third, the Writ of Summons dated the 20th of *November*, for a Parlement to be holden at *Weſtminſter* on the *Sunday* before the Converſion of St *Paul* was directed to *Henry Duke* of *Lancaſter*, or his *Deputy*, who made this Return. *Henricus Dux Lancaſtriæ ſic reſpondet. Nomina Militum ad reſpondendum, faciendum, & conſentiendum in præſenti Parliamento prout idem Breve requirit pro Communitate dicti Ducatus, Willielmus de Radecliffe, Ricardus de Tounkay. In eodem Ducatu non eſt aliqua Civitas, nec Burgus qui ante hæc Tempora, in aliquo Parliamento reſpondit per Burgenſes.* *Henry* Duke of *Lancaſter* anſwereth thus. The Names of the Knights who are to anſwer, do and conſent in the preſent Parlement, for the Community of the ſaid Dukedom, as the ſame Writ requires, *William de Radcliffe*, *Richard de Tounkay*. There is not any *City* in the ſame Dukedom, nor *Burgh*, which before this time anſwered in any Parlement by *Burgeſſes*. It wants not probability, that from the 4th of *Edward* the Third, to this 34th of the ſame, there might be Thirty years intermiſſion and omiſſion of *Burgeſſes* for theſe *Burghs*, (in all that time there being no Return of *Burgeſſes* for this County,) which might be the reaſon of this Return.

* Ibid. 34. Ed. 3. *Lanca-Shire.*

D

E In the 38th of this King, the [4] Sheriff of *Lanca-Shire* after the Return of the Knights, gives the *reaſon* why *Citiſens* and *Burgeſſes* ought not, nor were wont to come, in theſe Words. *Et non ſunt aliqui Civitates ſeu Burgi infra Comitatum de quibus aliqui Cives ſeu Burgenſes ad dictum Parliamentum venire debent ſeu ſolent, propter eorum debilitatem ſeu paupertatem.* That there were not any *Cities*, or *Burghs* within that County, from which any *Citiſens* or *Burgeſſes* ought, or were wont to come to the ſaid Parlement, for, or by reaſon of their *Inability* or *Poverty*.

[4] Ibid. 38. Ed. 3.

did not come to Parliament because of their Poverty

F

In the 39th of *Edward* the Third, the Return is [5], *Non eſt aliqua Civitas ſeu aliquod Burgum de quibus aliqui Cives ſeu Burgenſes venire poſſunt ſeu ſolent ſecundum tenorem Brevis propter eorum debilitatem & paupertatem.* There is not any *City* or any *Burgh* from

[5] Ibid. 39. Ed. 3.

which any *Citiſens* or *Burgeſſes*, can or were wont to come, by reaſon of their *Low Condition* or *Poverty*. The ſame Words are in the 50th of *Edward* the Third. And the Returns of this County are cloſed after this manner with ſome ſmall variation, in the Reigns of *Edward* the Third, *Richard* the Second, *Henry* the Fourth, Fifth and Sixth, and *Edward* the Fourth, and no Burgeſſes Returned for any Town or Towns in all that time from the 33d of *Edward* the Third, which was 124 years, and how much longer it cannot well be known. A

In the 10th of *Henry* the Fourth, there was this Return made after the Knights, *&c.* [6] *Et non ſunt aliqui Cives aut Burgenſes infra dictum Comitatum Lancaſtriæ qui ad dictum Parliamentum venire* **poſſunt** *propter eorum paupertatem & debilitatem.* The ſame Return is Word for Word in the 2d of *Henry* the Fifth.

[6] Ibid. 10. Hen. 4.

B

In the 7th, 25th, 28th, 33d of *Henry* the Sixth. The Returns were with this ſmall Variation. [7] *Et non eſt aliqua Civitas infra Comitatum prædictum nec Burgus qui ad aliquod Parliamentum Temporibus retroactis aliquos Cives aut Burgenſes* **Mittere** *ſolebant propter eorum paupertatem & debilitatem, ideo de Civibus & Burgenſibus nulla fit mentio.* And there is not any City within the County aforeſaid, or Burgh, which uſed to ſend any *Burgeſſes* or *Citiſens*, to any Parlement in former times, by reaſon of their *Poverty* and *Inability*. Therefore no mention is made of Citiſens or Burgeſſes.

[7] Ibid. 7.25. 28. 33. H. 6. *Lanca-Shire.*

C

In the 27th of *Henry* the Sixth. The Return after the Knights Names, is ſomewhat different from others. [8] *Et non eſt aliqua Civitas infra Comitatum prædictum nec Burgus qui ad aliquod Parliamentum temporibus retroactis aliquos Cives aut Burgenſes ſolebant* **invenire** *propter eorum debilitatem & paupertatem, ideo, &c.* And there is not any *City* within the County aforeſaid, or *Burgh*, which in former times were wont to **find** *Citiſens* or *Burgeſſes* in any Parlement by reaſon, *&c.*

[8] Ibid. 27. Hen. 6. *Lanca-Shire.*

D

In the 17th of *Edward* the Fourth, on the Dors of the Writ of Summons for Election of two *Knights* for the *County*, two *Citiſens* for every *City*, and two *Burgeſſes* for every *Burgh*, in the Return after the Indorſment of the *Knights* for the *County* and their *Manucaptors*, it follows. *Et quia non eſt aliqua Civitas infra Comitatum prædictum, aut Burgus qui ad aliquod Parliamentum temporibus retroactis aliquos Cives aut Burgenſes Mittere ſolebant propter eorum paupertatem & debilitatem, coram Domino Rege & Conſilio ſuo, ideo de Civibus & Burgenſibus non eſt mentio.* And becauſe there is not *any City* within the ſaid *County* or *Burgh* which in former times *ſent any Citiſens* or *Burgeſſes* to *Parlement* before the *King* and his *Council* by reaſon of their *Poverty* and *Inability*, therefore no *mention* is made of *Citiſens* and *Burgeſſes*. The ſame Words are in the Sheriffs Indenture of Return of Knights of the County annexed to the Sheriffs Precept, and the ſame Returns were in the 7th and 12th years of this King.

E

F

In the Seventh of *Edward* the Fourth, (who began his Reign *March* 4th *A. D.* 1461.) in the Parlement at *Weſtminſter* on the Third of *June*,

June, the * Writ of Summons dated *February* 28. in the ſixth of his Reign, *Henry Barle* Sheriff of *Eſſex* and *Hertfordſhire*, after the *Returns* of *Knights* for each *County*, and *Burgeſſes* only for *Colcheſter* and *Maldon*, adds this Clauſe; *Et in prædicto Comitatu Hertford non eſt Aliqua Civitas, nec aliquis Burgus, unde Aliqui Cives ſive Burgenſes, nec aliqua Civitas, neque plures Burgi in Dicto Comitatu Eſſex, unde plures Burgenſes neque aliqui Cives Eligi poſſunt.* That is,

* Retorn. Brev. Parl. 7. Ed. 4.

A

And in the foreſaid County of *Hertford*, there is not any *City*, or any *Burgh* from whence any *Citiſens* or *Burgeſſes* may be choſen. Nor is there any *City*, or more *Burghs* in the ſaid County of *Eſſex*, from whence any *Citiſens*, or more *Burgeſſes* may be choſen.

By theſe few *Returns* and *Inſtances*, of very many more which might have been produced, if needful, 'tis abundantly proved, That

B from the 23d of *Edw.* 1. when the *Firſt Writs* were ſent forth for the *choice* of *Citiſens* and *Burgeſſes*, and alſo during the Reigns of *Edw.* 2. and 3. *Rich.* 2. *Hen.* 4. 5. and 6. and *Edw.* 4. it was left to the *Diſcretion* and *Judgment* of the *Sheriffs*, which *Burghs* were *fit* and *able* to *ſend Burgeſſes*, and which not. And that if *antient able Burghs* became *poor* and *indigent*, and *unable* to *pay* the *Expences* of their *Burgeſſes*, or had none *fit* to *chuſe*, it was a *juſt* Ground for the *Sheriff* to *excuſe* them from the *trouble* and *charge* of Electing and

C ſending Burgeſſes, notwithſtanding the Statutes 5 *Rich.* 2. *c.* 4. 1 *Hen.* 5. *c.* 1. 8 *Hen.* 6. *c.* 7. 23 *Hen.* 6. *c.* 15. And alſo, That the *plain Negative Returns*, of *Non ſunt aliqui Civitates vel Burgi in Balliva mea*, or *Non ſunt plures Civitates vel Burgi in Comitatu prædicto, &c.* are to be *explained* by thoſe *other Returns* of *Non ſunt aliquæ Civitates, vel aliqua Civitas, nec plures Burgi*, (in this, or that County) *unde Cives vel Burgenſes venire facere poſſum*, or *unde Cives & Burgenſes venire poſſunt, vel venire debent, vel venire ſolebant*,

D and other different Expreſſions before mentioned. *Propter debilitatem eorum & paupertatem.* Thoſe *Abſolute Negatives* in Terms only, being *equivalent in ſignification* to the other, and *import* no more, than, that thoſe *Burghs* the *Sheriffs* did not *return*, at ſuch times, were *poor* and *inconſiderable*, and that either they had not *fit* Perſons to ſend, or for their *poverty* could not pay their VVages, or bear the Expences by Law due to them. And all this was done by *Virtue* of the *General Clauſe* in the VVrits, *De qualibet Civitate duos*

E *Cives, & de quolibet Burgo duos Burgenſes, &c.* For in the *Charters* of Antient Burghs, there was no *Clauſe* or *Grant* for the *choice* or *ſending* of *Burgeſſes* to *Parlement*, nor have I ever *ſeen* or *heard* of any *particular Directions* from the *King* and *Council*, or others, to the *Sheriffs*, for the ſending their *Precepts* to *this* or *that Burgh* only, and not to others.

The firſt Writs ſent for the Choice of Citiſens and Burgeſſes.

Sheriffs Judges of what Burghs were fit and able to ſend Burgeſſes, and what not.

The reaſon and meaning of Sheriffs Negative Returns.

I ſhall finiſh the Anſwer to the firſt Queſtion with this *Remarque*;

F That the *Burghs* during the time of all theſe *Kings* Reigns, never *complained* of the *Sheriffs* for not *Returning* them *Burghs*, or not ſending *Precepts* to them, or taking away their *Birth-Rights*. Nor did they *clamor* againſt *hard uſage*, or *injuſtice*. Nor did the *King*, *Lords*, or *Commons* in *Parlement*, ever *blame*, *complain* of, or *queſtion* the *Sheriffs* for *ſending*, or not *ſending Precepts* to this, or that *Burgh*; to all, or any of them, and making *Returns* accordingly. Nor was

No Complaint made by the Burghs of Sheriffs for not ſending Precepts to Elect Burgeſſes, &c.

it *accounted* an *Advantage*, *Honor*, or *Priviledge*, to be *bound* to *ſend* *Burgeſſes* to *Parlement*, but rather on the *contrary*, it was *reputed* a *Burthen* and a *grievance* for *Poor* and *Small Burghs* to ſend them, as in the Caſe of [9] Torriton in *Devon-Shire*, that *Petitioned* the King in *Parlement* to be *diſcharged* of *ſending Burgeſſes* to Parlement, *ſuggeſting* it was great *Trouble* and *Charge*, and to their *manifeſt Dammage* and *Depreſſion*, and their *Petition* was *Granted*, and the *Town* or *Burgh Exonerated* and *Excuſed* for ever after, notwithſtanding it had *ſent Burgeſſes* Thirty two times before. A

[9] Pat. 42. Ed. 3. part. 1. m. 8. *Torriton* in *Devon-Shire* diſcharged from ſending Burgeſſes.

The Second Queſtion, who were or ought to be the Electors in real or *pretended Burghs*, hath much exerciſed the Houſe of Commons, (ſince they have taken upon them to determine thoſe *Caſes*) and perhaps there hath ſcarcely been given a *direct* and *true Solution* of it to this day. In the 22d of King [1] *James* in a conteſt between Sir *William Maſters*, and Sir *Maurice Berkley*, upon an Election made at *Cirenceſter* in *Gloceſter-Shire*, upon the Queſtion, it was *Reſolved*, that no *conſent of Parties*, *Competitors*, *can alter the Legal courſe of Elections*. That where *no Charter* or *Cuſtom* to the contrary, the *Election* to be made by *all* the *Houſhoulders*; that Sir *William Maſters duly* Elected, that he had the greater Number of *Inhabitants* and *Freeholders*; and that where * neither *Charter* nor *Cuſtom*, nor free *Burgeſſes* in any *Borough*, there the *Election* to be made by *Houſholders*, and not only *Freeholders*. B C

[1] Commons Journal, die veneris 21 Maii 22 Jacobi. A. D. 1624.

Where no Charter or Cuſtom, how Elections to be made?

* i. e. in truth where there is not, nor can be a Burgh.

In the 4th of King [2] *Charles* the Firſt, Report made from the *Committee* of *Privileges*, (now the *Committee* of *Elections*) by Mr. *Hackwill*.

[2] Commons Journal: veneris 28 Martii 4. Car. 1. A. D. 1628.

Colcheſter, one only *Return* made by the *Bailiffs*, in which Sir *Thomas Cheek*, and Mr. *Alford* returned. That the *Bailiffs*, *Aldermen* and *Common Council*, conſiſting of Forty two in an upper Room, read the *Writ* and there *Elected* Sir *Thomas Cheek*, and Mr. *Alford*. In a *lower Room* the *Common ſort* of *Burgeſſes* in General, *Elected* Sir *Thomas Cheek*, and Sir *William Maſham*. D

Two Elections, one by the Mayor Aldermen and Common Council, the other by the common ſort of Burgeſſes.

That the Bailiffs, *&c.* made their *Preſcription*, by Election, as they now made it. Againſt this *alleged*, that till *Richard* the Firſt, no *Bailiffs*, nor then, no *Common Council*, till *Edward* the Fourth, then Sixteen appointed by a new Charter, which by Conſtitutions ſithence they have increaſed to —— E

An inſufficient preſcription.

Upon this the *Preſcription* holden *Inſufficient*, that the *Committee* is alſo of *Opinion*, that the *Election* of Sir *William Maſham* is Good, and his *Name* to be put in by the *Bailiff* inſtead of Mr. *Alford*.

Upon *Queſtion* Sir *William Maſham* duly *Elected*, and his Name by one of the *Bailiffs* was *Inſerted* at the *Board*, in *ſtead* of Mr. *Alfords*. F

[3] Commons Journ. Sabbat. 12 April. 4. Car. 1. 1628. Whether the Commons or chief Burgeſſes, Electors.

Mr. *Hackwill* [3] Reporteth from the *Committee* of *Priviledges* the Caſe of the *Burgh* of *Bridport*. The *Queſtion* whether the *Commons*, or the *two Bailiffs* and Thirteen *Capital Burgeſſes* are *Electors*. There the laſt *claiming* by *Preſcription* the ſole Power, this proved

*

by

by two Witneſſes for Forty Six years, *primo Jacobi* claimed it, but were denied.

A *Certificate* of *Diſclaimer* under the Hands of 80 *Commoners* offering to *juſtifie* it upon *Oath*, and affirmed they could have *proved* it by Forty *Commoners* more.

A On the other part *Records* produced the 6th of *Edw. 6.* Indenture returned the *Election* to be *per Ballivos per aſſenſum Communitatis*, 2. *& 3. Philip. & Mariæ* Election *accordeth*, 1 *Eliz. accordeth*, 1 *Jacobi accordeth. This* alſo proved by two Witneſſes, above 40 *Commoners* gave Voices *primo Jacobi.* Another that above 60 years ago the *Commoners* had Voice, and that he himſelf, then a *Commoner*, gave Voice. — Theſe the very words of the Journal.

B Replyed to this, That the *Addition* of the *Commonalty*, becauſe that the *Name* of the *Corporation*, that ſo they *make* their *Leaſes*, yet the *Commoners* never meddle. — And theſe.

Exception to one of the *Witneſſes*, That he, a *Commoner*, and very aged Man, ſcarce could hear, or be heard; That the *other* have been *Diſfranchiſed*, and therefore ſpake out of ſpleen. — And theſe, and ſo to the end of this Caſe.

C Alledged for them, That *primo Jacobi* the *Commons* called, becauſe they were to *Contribute* towards Wages.

Agreed by the *Major part* of the *Committee*, That the *Commoners* had *Voice* in Election.

Reſolved alſo here *no good Election*, becauſe the *Commons* having right of Voice, had *no Warning* as they *ought* to have had.

D *Reſolved* upon the *Queſtion*, The *Commonalty in General* ought to have *Voices* in the *Elections* of the *Burgeſſes* for *Parlement.*

Upon the *Queſtion*, The *Election void* in *reſpect* of the *want* of *Warning* to the *Commonalty.*

A *new Writ* for a *new Election.*

E Mr. *Hackwill* [4] reporteth from the *Committee* of *Privileges* the Caſe of *Boſton* in *Lincolnſhire*, Mr. *Bellingham* the *Recorder*, and Mr. *Okeley* choſen. — [4] Commons Journal, *Jovis* 8 *Maii*, 4 *Car.* 1. 1626.

The *Queſtion*, Whether a *Select* Number, or the *Commonalty* were to chuſe. Sir * *Anthony Irby* choſen by *Majority* of Voices of the *Commonalty*, and 14 of the *Select* Number. — * He of my own Knowledge a Friend to the Cauſe.

F *Agreed* by the *Committee*, That the Election of Burgeſſes in *all Burroughs* did of *Common Right* belong to the *Commoners*, and that nothing could take it from them, but a *Preſcription* and a *conſtant uſage* beyond all memory. — Voted to whom the right of Election belongs in all Burghs.

1. Upon the Queſtion, the *right* of *Election* for *Burgeſſes* to ſerve in

in Parlement for *Boſton*, *reſteth* in the *Commonalty*, and *not* in the *Mayor*, *Aldermen*, and *Common Council*.

2. Upon the Queſtion, Mr. *Okely* not *duly* Elected or Returned.

3. That Sir *Anthony Irby duly Elected*, and *ought* to have been *Returned*.

4. That the *Mayor* of *Boſton* ſhall be *ſent* for, to *put out* Mr. *Okely*'s *Name*, and *put* in Sir *Anthony Irby*'s. A

[5] Commons Journ. *Sabbat. ultimo Maii*, 4 *Car.* 1. 1628.

The Caſe of *Warwick*.

Mr. *Hackwill* [5] reporteth from the *Committee* of *Privileges* the Caſe of *Warwick*. Queſtion, Whether the *Election* to be made by the *Mayor* and *Common Council*, or by the *Commons* in *general?* That a *Petition* produced *whereby* above 200 *Commoners* **Diſclaim** to have *any Right* of Election. But that *refuſed* to be *accepted* by the *Committee*, becauſe if but *one Commoner* appear to *ſue* for his *Right*, they *will* hear him. B

1. Upon the Queſtion, The *Right* of *Election* for the *Town* of *Warwick* belongs to the *Commonalty*.

2. That Mr. *Robert Grevill* and Mr. *Francis Lucy* **unduly** Elected.

3. A *new Writ* to iſſue for a *new Choice* in their Rooms.

By theſe *Five Inſtances* it appears how *perplext* and *conjectural* C the *Opinions* of the *Committee*, and *Reſolves* of the *Houſe* of *Commons* were, concerning the *Right* of *Electing* of *Burgeſſes* to *ſerve* in *Parlement*, and the *Perſons* in whom it was *Lodged*. They *judged*, the *Communities* or *Commonalties* of *Cities* and *Burghs* to be only the *ordinary* and *lower* ſort of *Citiſens*, *Burgeſſes*, or *Freemen* in *General*. And that the *Right* of *Election* of *Burgeſſes* in *all Burghs* did of *common Right* belong to the *Commoners*, (meaning) the *ordinary* ſort of *Burgeſſes* or *Freemen*, and *not* to the *Mayor*, *Aldermen*, and D *Common Council*, as in the *Caſes* of *Boſton*, *Colcheſter*, and *Warwick*, nor in the *Bayliffs* and *Capital Burgeſſes*, being a *Select Number*, as in the *Caſe* of *Bridport*.

[4] Ibid. Jovis 20 Martii, 3 Car. 1. 1627.

The Communities or Commonalties of Cities and Burghs are the Governing part of them.

The Ground of this popular Error was, That this Committe (notwithſtanding the two *great Antiquaries* [4] Sir *Robert Cotton*, and Mr. *Selden*, and the *Oracle* of *Law* (ſo called) Sir *Edward Coke*, were Members of it) did not truly *underſtand* the *meaning* of the words E *Communitates Civitatum, & Burgorum*, the *Commonalty* of *Cities* and *Burghs*; which *always ſignified* the *Mayor*, *Aldermen*, and *Common Council*, where they were to be found, or the *Steward* or *Bayliff*, and *Capital Burgeſſes*, or in ſhort the *Governing* part of *Cities* and *Towns*, by what *Perſons* ſoever they were Governed, or *Names* and *Titles* they were *called* and known, which hath been *ſufficiently evinced* by what hath been ſaid before in this Treatiſe, upon that Subject. So that, if the *Communities* of *Cities* and *Burghs* had been *truly underſtood*, the *Committee* ought to have *Determined*, and the *Houſe Reſolved*, That the *Right* of Election in very many, if not in moſt, or all Cities and Burghs, ought to have reſted in the *Governing part* of them, which is always a *Select Number*. And therefore I ſhall produce many *Inſtances* from the *Returns* of *Parlement Writs* upon *Record*, to *Confirm* this Opinion. F

In

In the 26th of *Edward* the Firſt, in moſt *Counties*, *Cities* and *Burghs*, the *Knights*, *Citiſens* and *Burgeſſes* are only *named* with their *Manucaptors*, or *Sureties*, in the *Dors* of the Writ, as for Example. [5] *Nomina Duorum Militum Comitatus Hereford*, with *each* of them four *Manucaptors*, there named. *Nomina Duorum Civium Civitatis Hereford*, with *each* two *Manucaptors* or *Sureties* there named. *Nomina* A *Duorum Burgenſium de Burgo Leominſter*, with *each* two *Manucaptors*, there named. But not *ſaid* by *whom* Elected, and ſo in many others, with ſome, not very material, Variation.

[5] Retorn. Brev. Parl. 26. Ed. 1. The firſt Returns Extant.

Yet in ſome, the *Elections* are ſaid to be made by the *Bailiffs*, with the *aſſent* of the *Community*, or *for* the *Community* of the *Burghs*. So the choice was made for the *Town* of *Derby*. *Et Breve* [6] *iſtud returnatum fuit Willielmo Oyler, Ballivo Libertatis Villæ Derby, qui plenum Returnum Brevis habet pro duobus Burgenſibus ejuſdem Villæ, &* B *mihi Reſpondit, quod elegit aſſenſu Communitatis Totius Villæ prædictæ Magiſtrum Willielmum Broun de Derby, & Nicholaum Latimer de eadem.* And that Writ was Returned to *William le Oyler* Bailiff of *Derby*, who hath full Return of the Writ for two Burgeſſes of the ſame Town. And he Anſwers me, he hath choſen by the *aſſent* of the *Community* of the whole *Town* aforeſaid, *Maſter William Broun* of *Derby*, and *Nicholas le Latimer* of the ſame, who have two *Manucaptors* for each Returned. In like manner for the *Town* of *Nottingham*. *Et Breve iſtud* [7] *Retornatum fuit Ballivis, &c. Qui michi Reſponderunt quod elegerunt aſſenſu Communitatis Villæ prædictæ Johan. le Fleminge de Nottingham, Adam le Fleminge de eadem*, and that Writ was Returned to the *Bailiffs* of the *Liberty* of *Nottingham*, *&c.* Who Anſwer me, that they have *choſen* by the *aſſent* of the Commonalty of the *Town* aforeſaid, *John* the *Fleming* of *Nottingham* aforeſaid, and *Adam* the *Fleming* of the ſame, who found *each* two *Sureties* for their *Appearance* in Parlement. So two *Burgeſſes* choſen, [8] *pro Communitate Burgi Colecester*, for the *Community* of the *Burgh* of *Colcheſter*, with *four Manucaptors* or *Sureties* each, likewiſe, [9] *Johannes de Weſtreet de Hertford Simon Walle de eadem, electi ſunt duo Burgenſes per Communitatem Burgenſium Hertford, &c.* And gave *Security* for their Appearance by *four Manucaptors* each.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Ibid.

Accordingly two Burgeſſes were Elected for the *Community* of E the *Burgh* of *Newcaſtle upon Tine*, with their *Names*, and *Manucaptors* Names in a *Schedule*. *Nomina* [1] *Burgenſium pro Communitate Burgi Novi Caſtri ſuper Tinam, ſunt in Cedula huic Brevi Annexâ.*

[1] Ibid.

Boſton.

In the 27th of *Edward* the Third, that King directed his Writ to the *Bailiffs* of the Town of *Boſton* in *Lincoln-Shire*. *Edwardus* [2] *Dei Gratia, &c. Ballivis Villæ de Sancto Botolpho, &c.* And then after the Introduction to, and Cauſes of the Precept itſelf, which F follows in theſe Words, *Vobis præcipimus firmiter injungentes quod duos Burgenſes de proviſioribus, & diſcretioribus, & magis expertis Burgenſibus Villæ prædictæ, de aſſenſu ejuſdem Villæ ſine dilatione eligi, & eos ad Diem & Locum prædictos venire faciatis, ita quod iidem Burgenſes pro ſe & Communitate Villæ prædictæ ſufficientem poteſtatem habent, ad Tractandum, Conſulendum, & Conſentiendum his quæ tunc Divina favente Clementia de Communi Conſilio contigerit Ordinari, &c.*

[2] Retorn. Brev. Parl. 27 Ed. 3.

* *

We

We command, firmly injoyning you, that without delay you cauſe to be choſen two Burgeſſes, of the more Grave, *Diſcreet* and *Experienced Burgeſſes* of the Town aforeſaid, by the *aſſent* of the ſame Town. So that the ſame *Burgeſſes* may have ſufficient Power for themſelves and the *Community* of the *Town* aforeſaid to *Treat*, *Conſult* of and *Conſent* to thoſe things, which, Divine Clemency favoring, ſhall happen to be ordained by common advice, *&c.*

A

[3] Ibid. The Return in the Dors of the Writ was anſwerable to the Words of the Precept of this Writ. *Reſpons.* [3] *Johannis de Morys, & Ricardi de Rede Ballivorum Villæ de Sancto Botolpho.*

Manucaptores Johannis de Skirbek de Sancto Botolpho unius Burgenſium Villæ de Sancto Botolpho, de aſſenſu ejuſdem Villæ electi ad Tractandum, Conſulendum, & Conſentiendum ſecundum Tenorem hujus Brevis.

B

Thomas de Tumby de Sancto Botolpho.
Johannes de Gosberkirk de eadem.

Manucaptors or Sureties of *John de Skirbek* of *Boſton*, one of the *Burgeſſes* of *Boſton*, *choſen* by *aſſent* of the ſame *Town*, to *Treat*, *Conſult* and *Conſent* according to the *Tenor* of this Writ.

Thomas de Tumby of *Boſton*, C
John de Gosberkirk of the ſame.

The ſame Return, and in the ſame Words, is for *William Bayard*, the other *Burgeſs* with two Manucaptors. This *Town* of *Boſton* never Elected, or Returned any *Burgeſſes* during the Reſidue of this Kings *Reign*, nor in the *Reigns* of *Richard* the Second, *Henry* the Fourth, Fifth, Sixth, and *Edward* the Fourth.

D

Briſtol.
[4] Ibid. In the Writ directed to the *Mayor* and *Bailiffs* of *Briſtol* to chooſe *Burgeſſes* for the ſame Great Council, the Precept is the ſame. [4] *Vobis præcipimus firmiter injungentes, quod duos Burgenſes de provectioribus, & diſcretioribus & magis expertis Burgenſibus Villæ prædictæ de aſſenſu ejuſdem Villæ ſine dilatione eligi, & eos ad diem & locum prædictos venire faciatis. Ita quod iidem Burgenſes pro ſe & Communitate Villæ prædictæ ſufficientem poteſtatem habent, &c.* As in the former Writ for *Boſton.*

E

[5] Ibid. in Cedula. To the Precept of this Writ, the following Return was made. [5] *Virtute Brevis Domini Regis præſentibus annexi, nos Major & Ballivi Villæ Briſtol, de aſſenſu Communitatis Villæ prædictæ eligi fecimus Thomam Babbecary, & Willielmum Coumbe de eſſendo ad diem & locum infra Breve contentos ad faciendum quod ex parte Domini Regis eis tunc ibidem injungetur.* That is,

F

By Virtue of the Kings Writ annexed to theſe Preſents, we the *Mayor* and *Bailiffs* of the Town of *Briſtol*, by *aſſent* of the *Community* of the *Town* aforeſaid, have cauſed *Thomas Babbecary* and *William Coumbe* to be choſen, to be at the *time* and *place* contained in the Writ, to do what on the behalf of the Lord the King, ſhall then, and there be injoyned them.

It appears by this Writ and Return, that the words *Aſſenſus Villæ*, and *Aſſenſus Communitatis Villæ*, ſignified the ſame thing; and that as the *Community* of the *Town*, ſo the *Town* itſelf, *Government* of the *Town*, and *Body Politique* were, and did *conſiſt* of a *ſelect* Number.

Exceſter.

The words of the Writ directed to the *Mayor* and *Bailiffs* of *Exceſter* for the choice of *Burgeſſes* for this Great Council, are the ſame with thoſe of *Boſton* and *Briſtol*, [6] *Vobis præcipimus firmiter injungentes quod Duos Burgenſes de Provectioribus, Diſcretioribus, & magis Expertis Burgenſibus Civitatis prædictæ, de aſſenſu ejuſdem Civitatis ſine Dilatione Eligi, &c. Ita quod iidem Burgenſes pro ſe & Communitate Civitatis, &c. ſufficientem poteſtatem habent, &c.* The Return was, as hereunder written. [6] Ibid.

Roberti de Brideport [7] *Manucaptores* { *Johannes Spicer.* / *Willielmus Wike.* } [7] Ibid. in Dorſo Brevis.

Roberti de Hugheton Manucaptores { *Willielmus Sleght.* / *Richard Oliver.* }

Reſponſio [8] *Roberti de Brideport Majoris Civitatis Exon. & Ricardi Oliver & Thomæ Spicer Ballivorum ejuſdem Civitatis, ac Communitatis Civitatis prædictæ, talis eſt. Quod ipſi eligerunt prædictos Robertum de Brideport, & Robertum de Hugheton Burgenſes dictæ Civitatis, ad faciendum ſecundum Tenorem iſtius Brevis.* In Engliſh thus: [8] Ibid.

The Anſwer of *Robert de Brideport Mayor* of the *City* of *Exon*, and *Richard Oliver* and *Thomas Spicer Bailiffs* of the ſame City, and the *Community* of the City aforeſaid, is ſuch; That they have choſen the foreſaid *Robert de Brideport*, and *Robert de Hugheton Burgeſſes* of the ſaid City, to do according to the *Tenor* of the Writ.

The words of this Return do *illuſtrate* the words of the former, and make it moſt evident, That the Aſſent of the *Mayor*, *Bailiffs*, and *Community* of the City of *Exon*, which was the *Government* of it, was the *Aſſent* of the *City* itſelf.

The *form* and *words* of the Writ for the *choice* of *Citiſens* for the ſame Great Council, directed to the Mayor and Sheriffs of the City of *London*, are the ſame. [9] *Vobis præcipimus, &c. Quod duos Cives, &c. de aſſenſu ejuſdem Civitatis ſine Dilatione eligi, &c.* The Return was as follows. [9] Ibid. *London.*

Eligi [1] *fecimus Thomam Leggy & Thomam Dolſeley duos Cives Civitatis London de aſſenſu ejuſdem Civitatis ad intereſſendum coram vobis in inſtanti Conſilio ſufficientem poteſtatem pro ſe & Communitate Civitatis prædictæ habentes ad Tractandum, Conſulendum, & Conſentidum bis, quæ, Divina favente Clementia, de Communi Conſilio tunc contigerit Ordinari.* [1] Ibid. in Dorſo Brevis.

Et prædictus Thomas Leggy attachiatus eſt per Radulphum de Cauntebrigge, & Johannem Herewardſtoke.

Et prædictus Thomas Dolſeley attachiatus eſt per Thomam Wilchir, & Rogerum de Reygate.

Reſponſio Adæ Franceys Majoris, & Johannis de Stodeye, & Johannis Pecche Vicecomitum. The Return is thus made Engliſh:

We have cauſed to be choſen *Thomas Leggy* and *Thomas Dolſeley*, two Citiſens of the City of *London*, by Aſſent of the ſame City, to appear before you in the Council next to be holden, having ſufficient Power for themſelves, and the Community of the foreſaid City, to Treat, Conſult, and Conſent to thoſe Things which by Divine Clemency ſhall happen to be Ordained by Common Advice. A

The foreſaid *Thomas Leggy* hath given Security for his being in Parlement by *John de Cauntebrigge*, and *John Herewardſtoke*.

And the foreſaid *Thomas Dolſeley* hath done the ſame, by *Thomas Wilchir*, and *Roger de Reygate*.

The Anſwer of *Adam Franceys Mayor*, and *John de Stodeye*, and *John Pecche Sheriffs*. B

What is here meant, by the *Aſſent* of the *City*, and the Power they had to Treat for themſelves, and *Community* of it, and what the *Community* itſelf was, hath been cleared by what hath been obſerved upon the Returns of *Briſtol* and *Exon*; and is confirmed by the following Record beyond all Contradiction.

C

Retorn. Parl. 12 Ed. 2. *London.*

Excellentiſſimo Principi & Domino ſuo cariſſimo Domino Edwardo Dei Gratia Illuſtriſſimo Regi Anglie Domino Hibernie & Duci Aquitanie Johannes de Wengrave Major Civitatis London. Aldermanni, Vicecomites, & tota Communitas *ejuſdem Civitatis, ſe & ſua. Noverint Excellentia veſtra nos aſſignaſſe dilectos Concives noſtros Johannem de Cherleton, Willielmum de Flete & Rogerum le Palmere vel* duos *eorum, ac* eiſdem *vel* duobus *eorum* plenam *&* ſufficientem poteſtatem *dediſſe per preſentes ad faciendum in hoc inſtanti* Parliamento *veſtro à die* D *Sancti* Michaelis *ultimo preterito in tres ſeptimanas apud* Ebor. *quod de Communi Conſilio ordinabitur in Parliamento prædicto juxta formam Brevis veſtri nuper nobis inde directi. In cujus rei teſtimonium has literas noſtras eiſdem fieri fecimus Patentes. Sigillo* Communitatis noſtre *predicte ſignatas. Dat. London. Sextodecimo die Octobris, Anno Regni veſtri duodecimo.*

To the moſt Excellent Prince, and their moſt Dear Lord, the E Lord *Edward* by the Grace of God the moſt Illuſtrious King of *England*, Lord of *Ireland*, and Duke of *Aquitain*, *John de Wengrave Mayor* of the City of *London*, the Aldermen, Sheriffs, and the whole *Community* of the ſame City, Themſelves and Theirs. Your *Excellency* may know we have *aſſigned* our beloved Fellow-Citiſens *John de Cherleton*, *William de Flete*, and *Roger le Palmere*, or *two* of them, and have given to them, or *two* of them, full and ſufficient Power by theſe Preſents, to do in this your inſtant Parlement, to be *holden* F at *York* three weeks after *Michaelmas*, what ſhall be *Ordained* in the foreſaid *Parlement* by Common Advice, according to the form of your Writ lately to us directed. In witneſs whereof we have made theſe our Letters Patents, to be ſealed with the Seal of *our Community* or *Commonalty* aforeſaid. Dated at *London* the 16th day of *October*, in the 12th year of your Reign.

There

There can be no doubt, but what was *called* the City in the preceding Record, was the *ſame* with the *Mayor*, *Aldermen*, *Sheriffs*, and *whole Community* or *Commonalty* in this Record.

The Writ upon which this Return was made, was dated at *Nottingham*, *Auguſt* 25th, and directed only to the *Sheriffs* of *London*,
A not to the *Mayor*, *Aldermen*, *Sheriffs* and *Community*, as the Return inſinuates, and the *Precept* was only to chooſe *two Citiſens*, though there are three *Returned* as choſen.

Edwardus Dei Gratia Rex Angliæ, &c. Vicecomitibus London, Salutem. Quia pro diverſis & arduis negotiis nos & ſtatum Regni noſtri ſpecialiter tangentibus Parliamentum noſtrum apud Eborum a Die Sancti Michaelis proximo futuro in tres ſeptimanas tenere ac cum prælatis, &c. Retorn. Brev. Parl. 12 Ed. 2.
B *Vobis præcipimus firmiter injungentes quod de Civitate noſtra prædicta duos Cives de diſcretioribus, &c. Teſte meipſo apud Nottingham 25 Die Auguſti. Anno Regni noſtri duodecimo.*

Per ipſum Regem & Conſilium.

York.
In the Second of King *Henry* the Fifth, the *Mayor* of *York* and thirteen more *Concives*, Fellow-Citiſens named in the Return, *Ple-*
C *nam poteſtatem de tota Communitate Civitatis habentes, eligerunt duos Cives idoneos, &c.* Having full power from the *whole Community* of the City, choſe two fit Citiſens, *&c.* In Witneſs whereof they put their particular Seals to the Indenture of Return. See the Returns of Parlement Writs for theſe years.

Derby.
In the *Indenture* of *Return* for the Town of *Derby* in the Twelfth of *Henry* the Fourth, after *Six* of the *Electors* Names, which were of the *Community*, it follows, *Pryn's* Brevia Parl. Rediviva. p. 267.
D *& per Multos alios de Communitate prædicti Burgi Derby, qui in Curia Burgi interfuerunt Electi ſunt duo Burgenſes*, and by many others of the *Community* of the *Burgh* of *Derby*, which were preſent in the *Court* of the *Burgh*, two *Burgeſſes* were Elected, *&c.*

Ipſwich.
In the Second of *Edward* the Third, for the Parlement at *York*, Not to be found amongſt the Returns of this year.
Bailiffs & Communaltie de la Ville de Geppewic de noſtre Commun aſſent
avons Eluz. nous Comburgois Geffrei Stacy & Chriſtophre Del Bois de
E *Eſtre pur noſtre dit Ville al Parlement avaundite, &c.* The Bailiffs and Communalty of *Ipſwich*, by our Common aſſent have choſen of our Fellow Burgeſſes, *Geofry Stacy* and *Chriſtopher Del Bois*, to be for our ſaid Town at the Parlement aforeſaid.

Oxford.
In the Second of *Henry* the Fifth, the Mayor, Aldermen, Bailiffs and *whole Community* of the *Burgeſſes* of the Town of *Oxford*, choſe *Burgeſſes* for the Parlement at *Weſtminſter*. *Omnibus ad quos præſen-*
F *tes literæ pervenerint, Major, Aldermani Ballivi & Tota Communitas Burgenſium Villæ Oxon. Salutem, &c. Sciatis nos unanimi aſſenſu & conſenſu noſtris, &c. Elegiſſe dilectos Comburgenſes noſtros Johannem Merſton, & Thomam Coventry eſſendum ad Parlementum, &c. In cujus rei Teſtimonium præſentibus Sigillum noſtrum Commune appoſuimus Dat. in Gihala Villæ prædictæ, &c.* 2 *Regis Hen. quinti.*

Oxford. In the Twenty fifth of *Henry* the Sixth, for a Parlement to be holden at *Cambridge*, *Johannes North Major Villæ Oxon. & Johannes Barton, & Thomas Wymond Ballivi ac tota Communitas dictæ Villæ eligerunt Thomam Dagfield & Robertum Watford Comburgenſes ſuos, perſonas jdoneos & diſcretos ad comparendum, &c.* *John North* Mayor of the *Town* of *Oxford*, and *John Barton* and *Thomas Wymond*, and the *whole Community* of the ſaid Town choſe *Thomas Dagfield* and *Robert Watford* their Fellow-Burgeſſes, fit and diſcreet Perſons to appear, *&c. In cujus rei Teſtimonium hiis Indenturis tam Sigillum Dictorum Majoris Ballivorum & dictæ Communitatis, quam Sigillum Officii Vicecomitis Oxon. eſt appenſum.* A

The later Return explains the former, and ſhews that the *Communitas Burgenſium Villæ*, and **Communitas** *Villæ*, was the ſame. B

Oxford. In the Seventh of *Edward* the Fourth, the Return was thus, *Præſens Billa indentata facta, &c. Teſtatur quod Richardus Buſtrad & Thomas Halman Ballivi Burgi Oxon, & Comburgenſes Burgi prædicti ex unanimi aſſenſu & conſenſu eligerunt Willielmum Bedſton & Willielmum Dayvile Burgenſes eſſendi ad Parlementum, &c.* The preſent Bill indented made, *&c.* Witneſſeth that *Richard Burſtrad* and *Thomas Halman* Bailiffs of the Burgh of *Oxford*, and their *Fellow-Burgeſſes* of the ſaid *Burgh*, by one *aſſent* and *conſent* choſe *William Bedſton* and *William Dayvile Burgeſſes* to be at the Parlement, *&c. In cujus rei Teſtimonium* **Commune** *Sigillum appoſuerunt, &c.* In Witneſs whereof they put to the Common Seal, *&c.* C

Bailiffs and *Fellow-Burgeſſes* the ſame with *Bailiffs*, and *Community* or *Commonalty.*

It is not to be otherwiſe thought, but the *Bailiffs* and *Fellow-Burgeſſes* were the ſame perſons in this Return, with the *Bailiffs* and *Community* of the *Town* of *Oxford* in the others, and that the Election was now made as formerly, notwithſtanding the different *expreſſions*, and *Clerkſhip* of the Return; and that theſe *Comburgenſes*, Fellow Burgeſſes, were of the *ſame Rank* and *Order*, with the *Mayor*, *Bailiffs* and *Aldermen*, before they had been choſen and promoted by, and out of their *Fellow Burgeſſes*, and were not of the moſt *ordinary* and *poor ſort* of *Burgeſſes* or *Freemen*, who never were *ordinarily* or *regularly* of the *Community* or *Common Council* of any *Town* or *Burgh.* D

To confirm what hath been laſt ſaid, I ſhall produce the *Returns* of *Wallingford* in the Eleventh of *Henry* the Fourth, and Fifth of *Henry* the Fifth. E

Retorn. Brev. Parl. 11 Hen. 4. In *Pryn's* Brev. Parlementar. Rediviva, p. 288. *Wallingford.*

Viſo Breve Domini Regis nos Johannes Derby Major Burgi Wallingford, & omnes ejuſdem Burgi Comburgenſes, Scrutinio veritatis eligimus, & ordinavimus Johannem Cotterel, & Willielmum Cotterel, noſtros Burgenſes in peritia abiles, & honeſtos procuratores ad Weſtmonaſterium ad Parlementum Domini Regis, ipſis conferentes noſtram plenariam poteſtatem ad Omnia & Singula ibidem legalia facienda, & in Teſtimonium Ordinationis & Electionis præfatarum, nos ante dicti Major, & præfati Burgi Comburgenſes huic Indenturæ ſecundum dicti Brevis exigentiam Sigilla noſtra appoſuimus. Sicut patet in Scriptura inferius nominatim. F

*

Johannes

Johannes Derby; *Willielmus Arnegat*, *Thomas Swallwyke*, *Rogerus Baker*, *Willielmus Morgan*, *Johannes Culham*, *Willielmus Eſſex*, *Johannes Payable*, *Robertus Colſill*, *Galfridus Littell*, *Johannes Breewood*, *Robertus Deſſont*, *Johannes Hert*. The Engliſh of which runs thus:

Having ſeen the Kings Writ, we *John Derby*, *Mayor* of the *Burgh* of *Wallingford*, and all the *Fellow-Burgeſſes* of the ſame *Burgh*, have
A by true *ſcrutiny* choſen and appointed *John Cotterell* and *William Cotterell*, our skilful *Burgeſſes*, and honeſt *Procurators* in the *Parlement* of the Lord the King at *Weſtminſter*, *conferring* upon them our *full Power*, to do there all and ſingular Legal Things; And in witneſs of the *Appointment* and *Ordination* aforeſaid, we the foreſaid *Mayor* and *Fellow-Burgeſſes* of the foreſaid *Burgh*, according to the *Exigency* or *Command* of the ſaid *Writ*, have put to our *Seals* to this Indenture, as it doth appear here underwritten Name by Name.

B *John Derby*, *William Arnegat*, *Thomas Swallwyke*, *Roger Baker*, *William Morgan*, *John Culham*, *William Eſſex*, *John Payable*, *Robert Colſill*, *Geofrey Little*, *John Breewood*, *Robert Deſſont*, *John Hert*. We ſee here the *Omnes Comburgenſes ejuſdem Burgi*, all the Fellow-Burgeſſes of the Burgh of *Wallingford* were then but Twelve, and it may eaſily be believed, That no Man can think, but that theſe Twelve, with the Mayor, were the Community, or Governing part
C of the Town, or at leaſt the more part of it.

Wallingford, ibid.

The other Return in the 5th of *Hen.* the 5th, runs thus: *Viſo Breve Domini Regis nos Johannes Derby*, *Willielmus Arnyat*, *Johannes Chalmer*, *Galfridus Little*, *Thomas Swalewit*, *Ricardus Algate*, *Johannes Denby*, *cum aſſenſu & conſenſu omnium Comburgenſium noſtrorum*, *Elegimus & Ordinavimus Johannem Cotterel*, *& Johannem Derby*, *noſtros Comburgenſes perrecturos ad Parlementum Domini Regis ad certum diem*
D *& locum in Breve contentos. Ad quam Ordinationem & Electionem*, *illi qui ejuſmodi Electioni interfuerunt ſigilla ſua appoſuerunt.*

Having ſeen the Writ of our Lord the King, we *John Derby*, *William Arnegat*, *John Chalym*, *Geofrey Little*, *Thomas Swalewit*, *Richard Algate*, *John Benby*, with the *conſent* and *aſſent* of all our Fellow-*Burgeſſes*, have choſen and appointed *John Cotterel* and *John Derby*, our Fellow-Burgeſſes, to go to the Parlement of our Lord the King, at the day and place conteined in the Writ. To which Election and
E Appointment, thoſe which were preſent at the Election put to their Seals.

By this ſecond Election it is manifeſt, That the *Fellow-Burgeſſes*, or the *abſent our Fellow-Burgeſſes*, were *equal* in their ordinary Quality to *John Derby*, who was, or had been then *Mayor* of the *Town*, and to *William Arnegat*, and others, who doubtleſs were Aldermen or chief Burgeſſes of the ſame, and not Burgeſſes of the lower Rank.

Wallingford.

F In the *Return* of the Writ for *Wallingford* in the 7th of *Edward* the Fourth, 'tis thus: *Hæc Billa Indentata*, *&c. Teſtatur quod Henricus Glaſyer*, *& Johan. Medowys Ballivi Burgi de Wallingford & Comburgenſes Burgi prædicti ex unanimi aſſenſu & conſenſu eligerunt Johannem Colynggrugge & Robertum Hoptoik Burgenſes eſſendi ad Parlementum Domini Regis*, *&c. In cujus Rei Teſtimonium* Sigillum Commune *appoſuerunt.*

Here

Here in this indented Bill of Return 'tis ſaid the Bailiffs of the Burgh of *Wallingford* and the Fellow-Burgeſſes made the Election, in witneſs whereof they put the *Common Seal* of the *Burgh* to this Bill; whereas in the former every one ſet his particular *Seal* to the Returns. Now who they were that had the diſpoſal, ordering, and directing of the uſe of the Common Seal of any *Burgh*, ſee hereafter in the Obſervations upon the Return for *Windſor*, in the ſame 7th year of this King. A

Helſton. In the Return of *Helſton* in *Cornwal*, in the 7th of *Edward* the Fourth, the words are theſe: *Hæc Indentura facta apud Helſton-Burgh*, &c. *inter Johannem Colſhill Militem Vicecomitem*, &c. *ex parte una, & Ricardum Lanargh Majorem Burgi prædicti, Johannem Emmont, & Johannem Harry Ricchowe, Ballivos ejuſdem Burgi & Henricum Gellyot, & omnes alios Comburgenſes ſuos Burgi prædicti ex parte altera Teſtatur. Quod iidem Ricardus, Johannes Emmont, Ricardus Harry Ricchowe, Henricus, & omnes alii Comburgenſes ſui unanimi aſſenſu & conſenſu*, &c. *Eligerunt Edwardum Gower & Willielmum Stavely*, &c. B

This Indenture made at *Helſton-Burgh*, &c. between *John Colſhill* Knight, Sheriff, *&c.* on the one part, and *Richard Lanargh, Mayor* of the *Burgh* aforeſaid, *John Emmont*, and *John Harry Ricchowe, Bailiffs* of the ſame *Burgh*, and *Henry Gellyot*, and all other **their** *Fellow-Burgeſſes* of the *Burgh* aforeſaid, on the other part, witneſſeth, That the ſame *Richard, John Emmont, Richard Harry Ricchowe, Henry, and all other* **their** *Fellow-Burgeſſes*, by their unanimous aſſent and conſent, *&c.* choſe *Edward Gower* and *William Stavely*, &c. C

Here the *Comburgenſes*, or *Fellow-Burgeſſes* of this Town, were in their ordinary *value* and *eſteem*, Equals to the *Mayor* and *Bailiffs*, as being **their** *Fellow-Burgeſſes*; ſo that 'tis not hard to believe they were the *Community*, or *Governing part* of the *Burgh*. D

Windſor. In the 25th of *Henry* the Sixth, the *Return* for *Windſor* was thus: *Hæc Indentura facta*, &c. *Teſtatur quod Major & Communitas Burgenſium Burgi de Nova Windſore eligimus & nominavimus de Communi Conſilio noſtro Rogerum Faſnam, & Rogerum Scherman dicti Burgi Burgenſes ad comparendum, &c. In quorum Teſtimonium Sigillum Commune omnium & ſingulorum Burgenſium, & Communitatis prædictæ* habentium Electionem intereſſentium præſentibus eſt appenſum. Dat. apud Windſore, &c. præſentibus Johanne Avelyn Majore Burgi prædicti, Willielmo Scherman, Willielmo Trowe, Rogero Weyte, Johanne Notewey Ballivis, Johanne Bethewood, Thoma Swan, Johanne Ruwelond, Thoma Pers, Ricardo Bernard, Conſtabulariis & aliis.* E

* In the Record 'tis *habemus Electionem.*

Here we find the Parlement *Burgeſſes* of *New Windſor* choſen by the *Mayor* and *Community* of the *Burgeſſes* of that *Burgh*. In witneſs whereof, the *Common Seal* of *all* and *ſingular Burgeſſes*, and of the *Community* aforeſaid, which had *Voices* in the *Election*, was affixed to the *Indenture*. Dated, *&c.* in the preſence of *John Avelin* Mayor, *William Scherman*, *William Trowe*, *Roger Weyte*, and *John Notewaye* Bailiffs, *John Bethewood*, *Thomas Swan*, *John Ruwelond*, *Thomas Pers*, *Richard Bernard* Conſtables, and others. F

*

But

But in the Seventh of *Edward* the Fourth, about Twenty four years afterward, the Return is much different, *Præsens Billa indentata facta, &c. Testatur quod Johannes Scot, & Willielmus Kemsale Ballivi Burgi de Windsore, & Comburgenses Burgi prædicti eligerunt Willielmum Evinton & Henricum Franceys Burgenses essendi ad Parlementum, &c. In cujus rei Testimonium Sigillum Commune apposuerunt, id est, Ballivi, & Comburgenses, Sigillum apposuerunt.* *Windsore.*

A

The *Communitas Burgensium*, in the former Return, and the *Comburgenses* in the *later* were the *same Body* of *Men*; that is, those with the *chief Officers* made the *governing part* of the *Burgh*, who in most, if not all, *Corporations* have the *Common Seal* at their disposing, and by their only consent, it is to be affixed to any Writing. See the Returns for *Oxford*, in the Second of *Henry* the Fifth, and 25th of *Henry* the Sixth, here *before mentioned*, for the clearing of this

B matter.

In the same 25th of *Henry* the Sixth, the Return was the same for *Reding*. *Hæc Indentura, &c. Testatur, quod nos Major & Communitas Burgi de Redynge ordinavimus eligimus, & nominavimus de Communi Consilio nostro Simon Kent & David Gower dicti Burgi Burgenses ad comparendum, &c. In quorum Testimonium Sigillum Commune omnium & singulorum Burgensium & Communitatis prædictæ * habentium* C *Electionem interessentium præsentibus est appensum. Dat. apud Reding, &c. Præsentibus Johanne Sawyer Majore Burgi prædicti, Roberto Morys, Willielmo Stapper, Willielmo Stapper, Edwardo Linacre, Johanne West, Thoma Goldoure Constabulariis Ricardo Farle, Bartholom. At More Ballivis, & aliis.* *Reding.*

* In the Record 'tis, *Habemus Electionem.*

So in the same 7th year of *Edward* the 4th, the words of the Return were the same, except the Names. *Præsens Billa indentata, &c. Testatur* D *quod Willielmus Bluet & Johannes Brode Ballivi Burgi de Reddinge & Comburgenses Burgi prædicti ex unanimi assensu & consensu eligerunt Johannem Bukke & Johannem Upston Burgenses essendi ad Parlementum Domini Regis, &c. In cujus Rei Testimonium sigillum commune præsentibus apposuerunt.* There needs no other Observation here, than what was made upon the foregoing Returns for *Windsor* in the same years. *Reding.*

The Return for *Len* in *Norff.* Seventh of *Edward* the Fourth was, E *Major & Communitas eligerunt Henricum Bermingham & Willielmum Pilton Burgenses Villæ sive Burgi Len, &c.* In the Twelfth of *Edward* the Fourth, it was the same, in the 17th, it was *Major & Burgenses pro se, & Communitate eligerunt, &c.* *Len.*

So for Great *Yarmouth* in that County, for the same year. *Ballivi & Communitas Villæ Magnæ Jenemuthe eligerunt Johan. Russ, & Johan. Tymperley ad Essend. ad Parlementum, &c.* In the 12th of F this King it was, *Ballivi de Communi assensu Villæ eligerunt, &c.* In the 17th of the same King it was, *Ballivi & Communitas unanimi assensu eligerunt, &c.* The meaning and intent of the Returns was the same. *Yarmouth.*

In the 12th of *Edward* the Fourth, *Major & Communitas unanimi assensu & consensu eligerunt Johannem Beynton & Willielmum Abury* *Wells.*

Cives

Cives Civitatis Wellenſis ad intereſſend. in proximo Parlemento apud Weſtminſt. &c. As by the Return for *Wells* in *Sommerſet-Shire*; for that year appears and the like Return changing the Names is in the 17th year of that King.

Bridport. In the *Return* for *Brideport* 17th of *Edward* the Fourth. *Ballivi & Burgenſes de Brideport per aſſenſum & conſenſum totius Burgi Communitatis eligerunt Thomam Neburgh & Robertum Hill duos Burgenſes, &c.* A

Colcheſter. In the Seventh of *Edward* the Fourth, only five Burgeſſes of *Colcheſter*, named in the Return, chooſe two Burgeſſes, *William Forde* and *John Boteler* in the *County-Court* holden at *Chelmsford* for the *Parlement* mentioned in the Writ, *&c.*

In the 12th and 17th of that King, the Returns were thus, *Ballivi Burgi Colcheſter, &c. Eligi fecerunt per majorem partem Burgenſium magis ſufficientium Johan. Wright & Johan. Boteler. Eſſend. pro Burgo illo ad Parlementum, &c.* B

Warwick. In the Seventh of that King *John Herthull Eſq*; *John Fiſher* of *Warwick*, and only Ten more Named in the *Indenture* of Return, did in the *County-Court* holden at *Warwick*, on the *Monday* next before *Whitſunday, chooſe Edward Durant* and *Benedict Lee, Burgeſſes pro Burgo Villæ Warwick*, to which Indenture the *Sheriff* on one part and all the twelve Electors on the other part put to their Seals. C

'Tis not ſaid in the Return of what *quality* any of theſe *Electors* were, whether *Mayor*, *Bailiffs* or what others, yet it cannot be doubted, but they were of the *beſt* and moſt *ſubſtantial* Burgeſſes, and were at leaſt part of, if not the *whole Community*, or *Government* of the Town. D

In the 12th and 17th years of that King, the Burgeſſes were alſo choſen in the County Court, but not ſaid how, or by whom, for their Names are only Indorſed on the Writ, with their Manucaptors, and likewiſe only mentioned in the Indenture of Return for the County. Yet, by a paralel Return, we may make a more than probable Conjecture, they were *choſen* by the chief *Magiſtrate*, or *Magiſtrates*, and the *Community* of the Town. E

Lincoln. For in the 15th of *Edward* the Second, after the Knights of the Shire Indorſed on the Kings Writ of Summons, the Citiſens of *Lincoln* follow in the ſame method with their Manucaptors, and in the ſame Form here underwritten.

Manucaptores Henrici de Hakethorn, unius Civium Civitatis Lincoln. F

Johannes Fowler de Lincoln.
Adam del Marrays de eadem.

Manucaptores Thomæ Gamel, alterius Civium Civitatis de Lincoln.
Philippus Millays de Lincoln.
Rogerus Ingloys de eadem.

The

The like Returns are in the Dors of the Writ for *Grimsby* and *Stanford*, and then it follows, *Et non plures Civitates seu Burgi in Comitatu Lincoln*, *Boston* and *Grantham* being omitted.

Grimsby and *Stanford.*

Here is only a bare Return of the *Names* of the Citisens of the City of *Lincoln*, with their Sureties, who were to be at the Parlement to be holden at *York*, three Weeks after *Easter*, without any mention, how, or by whom chosen. Yet, by the Petition, Certificate, or Return following, which is now *sewed* to the Kings Writ, directed to the *Sheriff* of *Lincoln-Shire*, it appears they were *Elected* by the *Mayor* and *Communalty* of the *City* of *Lincoln*.

A

A tres Noble Home & Sage Sire William de Eyrminne Meire & la Comminalty de Nicole, quant quit devent & poent, D'onors & Reverences, pur ceo Sire, qui nous avons Eslutz, Henry de Haketborn, & Thomas Gamel nos Conciteyns, de venir au Parlement nostre Seigneur le Roi, par la citée de Nicole selonc le purport le Brief le dyt nostre Seigneur le Roi, & ore le dyt Thomas ne se Deggne venir pur riens que nous savoms faire, pur quoy Sire nous avoms Ellutz Alayn *de* Hodelston *en le leiu le dyt Thomas, a faire & assentir pur la Dite Citee solonc le tenure le dyt* Breif, *& vous Prioms Cher Sire, Sil vous plest, que le dit Hen. Et Alayn voilets Resceivire par la Citee avant Dite. En Tesmoygnance de quelque chose a cestrez præsents avoms Mis le Seal de nostre Meiretee. Don a Nicole le Seconde jour de May lan. du Reign nostre Seignur le Roi Edward que orest qui Dieu Garde. Quinszime.*

B

C

Besides, that 'tis manifest from this *Certificate* and *Return*, that the *Mayor* and *Commonalty* of the *City* of *Lincoln*, Elected these two *Citisens* to represent them in Parlement; there are several other things may be observed from it: As First, that *Thomas Gamel* one of the Citisens, though he had two *Manucaptors* Returned with him on the Dors of the Writ, yet would not go to the Parlement, for any thing the *Mayor* and *Commonalty* of the *City* knew what to do. Secondly, that they without any *other*, or *new* Writ, after his Name was *Returned* to the *Sheriff*, and by him *Indorsed* on the Writ, and *Returned* with two *Manucaptors* for his Appearance at the Day and place appointed for the Parlement, *Elected* another Citisen, *Alayn de Hodelston* in his place, and desired Sir *William Eyrminne*, (then *Master* of the *Rolls*, and *Keeper* of the *Seal*, in the absence or time of indisposition of *John Bishop* of *Norwich*, then Lord *Chancellor*,) that he being thus Elected by them, according to the *Form* of the *First* Writ of the King, might be received with the other Citisen *Henry de Haketborn*, first Elected with *Gamel*, as *Citisen* for this *Parlement*, upon the *Mayors Seal of Office* affixed to this Certificate. Thirdly, if *Hodelston Sate*, as in all probability he did, there could not then be such *fine Niceties* and *Punctilioes* in the *Return* of *Parlement Writs*, as at this present.

D

E

How *Cirencester* in *Glouc*ester-Shire came to send Burgesses, 22 *Jacobi*, I know not, it sent None before that time that I can find.

F

Cirencester sent Burgesses 22 Jacobi

In the *Return* for the City of *Rochester*, in the 17th of *Edward* the Fourth, the Words were very General, and these following. *Hæc Indentura facta apud Rochester, &c. Testatur quod Willielmus Mungeham Major Civitatis Roffen una cum omnibus, & Singulis Civibus, &*

Rochester.

 Communiariis

Communiariis ejuſdem Civitatis eligerunt & nominaverint Johan. Kyrton & Will elmum Revers ad Eſſend. Cives pro Civitat, &c.

The meaning whereof is, that the Mayor together with all and Singular Citiſens, and Communers, that is, with all and every Citiſen who was a Communer, and of the Community of the City, which was as much as to ſay, the whole Community of the City choſe them for the *Communiarii*, or *Comminiarii* of the City of *London*, are the Common Council Men thereof, and a Select Number of the moſt Worthy, and able Citiſens, as appears by the Style of the Common Council in the City Books. *Commune Concilium tent. in Camera Guildhall Civitatis London, &c. Coram Tali, Majore Civitatis, &c.* Then after the Names of the *Aldermen* preſent, and *Sheriffs*, it follows, *Net non Majore parte Comminariorum dictæ Civitatis in Communi Concilio tunc & ibidem aſſemblat*, and it cannot be doubted but the *Commoners* of the *City* of *Rocheſter* were Perſons of the ſame Condition.

Bath and *Bridgewater.*

In the 12th and 17th years of *Edward* the Fourth. The Returns of *Bath* and *Bridgewater* in *Sommerſet-Shire*, are thus Penned. *Hæc Indentura, &c. Teſtatur quod Cives Civitatis Bathon. Ex unanimi aſſenſu eligerunt, &c. Willielmum Haynes & Robertum Baten, &c. Ad Eſſend. ad Parliamentum, &c.* So for the Burgh. *Hæc Indentura, &c. Teſtatur quod Burgenſes Burgi de Briggewater unanimi aſſenſu elegerunt Thomam Tremayle, & Johannem Kendale, pro Burgenſibus dicti Burgi ad eſſendum ad Parliamentum, &c.*

How the Elections have been made in the *Burgh* of *Bridgewater*, ſince the date of theſe Writs, and of late times, I cannot ſay. But in the *City* of *Bath*, they have always been made [1] only by the *Mayor*, *Aldermen* and *Common Council*, *conſiſting* of Thirty one Perſons and no more, notwithſtanding theſe General Words, *Cives* or *Burgenſes*, or at leaſt, *Major*, *Aldermanni*, & *Cives elegerunt*, have been in moſt of their Returns.

[1] *Pryn's* Brev. Parl. Rediviva. p. 317.

In the 13th year of King *Charles* the Second, 1661. *Alexander Popham*, and *William Pryn* Eſquires, were choſen Citiſens for the City of *Bath*, by the *Mayor*, *Aldermen*, and *Citiſens* as in the [2] Return, of which the whole Number that Elected them were but Twenty one Perſons of the Thirty one above mentioned. There happened a Controverſie about this Election, there being two Competitors [3] choſen by one Alderman, Five Common Council Men, and Thirty two Freemen, the queſtion before the *Committee* of Privileges, and the Parlement was, [4] whether *all* the *Freemen* and *Citiſens* of *Bath* had, and ought to have *Voices* in the *Election* of *Citiſens* to ſerve in Parlement, or only the *Mayor*, *Aldermen*, and *Common Council* of the *City*. That the *choice* had been always made by the *later* was clearly proved.

[2] Ibid. p. 313.

[3] Ibid. p. 317, 318.

[4] Ibid. p. 318.

The *principal matter* then [5] inſiſted upon by the *Competitors* Counſel, was, that the *Elections* were *made* in the *Name* of the *Mayor*, *Aldermen*, and *Citiſens* of *Bath*, which Word *Citiſens*, muſt *neceſſarily*, and of *Common Right* be *intended* of all the *Citiſens*, and *Freemen* of the *City*, who are *Citiſens*, and *not* of the *Citiſens* only, that are *Common Council* Men.

[5] Ibid. p. 320.

To this it was, or might have been anſwered, That *Knights* of the *Shire* are ſaid to be *choſen* by the *County*, or the *whole Community* of the County, and yet *thoſe Words* do not *extend* to all the *Inhabitants* of the County, though never ſo Rich, for *Tradeſmen*, and others whoſe *Eſtates* are in *Money* or *Goods*, nor *Copyholders*, or *Leaſeholders have* any *Voice* in ſuch *Elections*. And the *Commons* aſſembled in
A Parlement, are uſually *ſtyled* the *Commonalty* of the *Realm*, nay, *all the Commons of the Realm*, as in the *Stat.* of *Proviſors*, 25 *Edward* the Third, and others; yet are a *Select Number* of *Perſons*, Elected, Intruſted, and Authorized not by *half* the *Inhabitants* of *England*. So that though the Words *Cives & Burgenſes* may in ſome Caſes, and in their full *Latitude*, *extend* to *all Citiſens*, *Burgeſſes*, or *Freemen*, and *Inhabitants* alſo of *Cities* and *Burghs*, yet in *many others*, and moſt *frequently* in this particular *caſe* of *Electors*, they are *re-*
B *ſtrained* to ſome *Select Number* of *Citiſens* and *Burgeſſes*, or to the *Chief Magiſtrates*, and *Common Council*. Whoever deſires further ſatisfaction in this point, may peruſe Mr. *Pryn*'s *Brevia Parliamentaria Rediviva*, from page 320 to page 328.

In ſeveral Counties the *Citiſens* and *Burgeſſes* were *choſen* in the *County Courts* with the *Knights*, on the *day* of the *Knights Election* in
C the ſame *Court*, and joyntly Returned in one *Indenture* eſpecially before the Stat. of the 23 of *Henry* the Sixth, and in ſome after that; there were commonly ſent four or five *Citiſens* or *Burgeſſes* from the *Reſpective Cities*, or *Burghs*, whereof the *Mayor*, or *Chief Magiſtrate* was uſually one, to the County Court. *Qui de aſſenſu totius Communitatis, Civitatis vel Burgi eligerunt, &c.* Who by aſſent of the whole *Community* of the *City* or *Burgh*, from which they were *ſent*, did chooſe *Citiſens* and *Burgeſſes*, who gave them *full* and *ſufficient Power* for themſelves, and the *Community* of the *Cities* and *Burghs*,
D to *do* and *conſent* to ſuch things, as by *Common Council* ſhould be ordained. One Example of theſe Returns may be ſeen in the * Appendix which was made for *Sommerſet-Shire*, in the Second of *Henry* the Fifth, and the like is upon Record for *Dorſet-Shire*, in the ſame year; there is alſo in that year one for *Wilt-Shire*, though not in the very ſame Form, for which ſee the * *Appendix* for *Devon-Shire* in the 27th of *Henry* the Sixth, for *Cambridge* and *Huntington*, *Warwick*, and *Kent* and other *Counties* and *Shires*, in other years.

Citiſens and Burgeſſes choſen in County Courts.

* N. 14.

* N. 15.

E

To all theſe *Inſtances* for the greater proof, that the *Communities* of *Cities* and *Burghs* did and ought to chooſe, may be added, that the *Citiſens* and *Burgeſſes* conſtantly had from their *particular Cities*, and *Burghs*, Power to Treat, Do and Conſent for themſelves, and the ſaid *Communities*, according to the Tenor of all Writs, in all times, and *thoſe*, for whom they were to *Treat*, *Do* and *Conſent*, did, or moſt certainly *ought* to ſend them: For the *Citiſens* and *Burgeſſes*
F Repreſented the *Cities* and *Burghs*, and were *Truſtees* for them in Parlement, as the *Community*, or *Mayor*, *Aldermen*, and *Common Council*, or the *Chief Magiſtrate*, and *Capital Burgeſſes* Repreſented them at home, in the *Cities*, and *Burghs* themſelves, and were *Truſtees* for them there. For before *Bribery*, *Meat*, and *Drink*, with *Inſinuation*, and *Artifice*, prompted to the *Mean*, and *Ordinary* poor ſorts of *Burgeſſes*, a right which anciently they never Dreamt of, there were no

before Bribery was in fashion

contests between them and the *Communities*, or *Commonalties*, or the *Governing* part of *Cities* and *Burgesses* about the *Election* of *Citizens* and *Burgesses* to Represent them in Parlement, seeing when they Received *Wages*, it was a *Burthen* to those that chose and sent them. And it is not easily to be imagined, *Poor Ordinary* Men would *contend* for a *Burthen*, or seek a *Trouble*.

Returns of Writs as to Form incertain.

Besides, the Returns are very incertain, and different in Form, sometimes the *Names* of the *Knights*, *Citizens*, and *Burgesses* only with their *Sureties* are Returned. Sometimes they are made according to the *Tenor* of the *Writ*, but mostly according to the *Form*, *Fancy*, and *Invention* of the *Clerk* that drew them up, without any strictness of Words or design to inform posterity, Who were, or ought to be Electors. The *Writs* were commonly in the nature of a *venire facias*, and the *Cities* and *Burghs* took care only to send their *Citizens* and *Burgesses* according to the Precept, which was the *Business* of the *Government* of the places, to which the *Writs* were directed, and that was the best Judge Who was fittest to serve them; there was then no *striving* for *Votes*, or making *Parties* or *Factions* to be Elected. A B

Hitherto of the great probability, if not certainty, Who anciently were, and now ought to be the *Electors* in all *Cities* and *Burghs*, which have *Charters*, and *Free Burgesses*. But the difficulty is, Who ought to be *Electors* in such *Towns* or *Burghs*, that have neither *Charter*, *Custom*, or Free *Burgesses*, as in the *case* of * *Cirencester* above-mentioned. C

* Fol. 60.A.B.

To this I say, First, that where there is *neither Charter*, *Custom*, or *Burgesses*, there can be no *Burgh*.

Secondly, as to this *particular Case*, I am apt to *beleive Cirencester* was anciently no *Burgh*, for amongst all the *Returns* in the *Tower*, from the 26th of *Edward* the First, to the 17th of *Edward* the Fourth, there is not one for that Town. D

Thirdly, I say, that because several *Towns* have sent *Burgesses* or Members to Parlement, therefore to *assert* according to the Vulgar Opinion, they must be *Burghs*, or, as they call them, *Burghs* by *Prescription*, as not having *Charter* or *Burgesses*, is an *errour* occasioned by want of due *Observation* and *Perusal* of *Ancient Records*. E

For, no Man that I know of hath taken notice of *Tenents* in *Ancient Demeasns*, having been sent to, and having *sat* in Parlement. And several of those *Towns* that sent them, were such as might have no *Charters* constituting them *Free Burghs*, and consequently had no *Free Burgesses*, for, as it hath been said and proved before, these were made such by [1] Charters only, and the Grant of Royal Liberties, by which *Cities* and *Burghs* were constituted. F

[1] Here f. 47. 49, 50. and and Append.n. 1. b.

But it will be said, that never was any *Writ* or *Summons* directed to the *Sheriffs*, to send to any *Town* of the Kings *Ancient Demeasns*, to choose and send two Tenents to Parlement, as there was for *Cities*, and *Burghs*, to send *Citizens*, and *Burgesses*.

To

To this I reply, and do confeſs, I never did ſee ſuch *Writs* or *Summons* directed to any *Sheriffs*, or *Tenents* in *Ancient Demeaſns*, to ſend any of their own Number to *Parlement*, nor was there any *need* of it, for the *Repreſentatives* of ſuch *Towns* as were *Burghs* by *Charter*, and alſo the Kings Ancient *Demeaſns*, Repreſented both the *Burgeſſes* and *Tenents* too, and in ſome places might therefore be *choſen* by them both.

Tenents in Ancient Demeaſns, how and by whom Repreſented.

A

Secondly, when it was left to the Sheriff as hath been [2] ſhewn before, to direct his *Precepts* to what *Burghs*, *Towns*, or *Places* he pleaſed, he might ſend them to ſuch *large Towns* of the Kings *Ancient Demeaſns* as had a Market only by Connivence and Permiſſion, or Charter, without the conſtitutive clauſe of a *Burgh*, or *Free Burgeſſes*, for it was a hard matter to diſtinguiſh ſuch Market *Towns* from *Burghs*, which by *outward appearence*, in many things could not be

[2] Here f. 52, 53, 54. &c.

B diſtinguiſhed, ſeeing they always paid the ſame *Tallages*, and *Taxes*, that *Burghs* did, they were *free* from [3] *Toll* all over the Kingdom, free from [4] *contributing* to the *Wages* of *Knights* of the *Shire*, and free from *Suit* to *Hundred*, and *County Courts*, as *Burghs* were. They only wanted *Burgh Liberties* and *Royalties*, *Free Burgeſſes*, a *Merchant-Gild*, or *Community* and *peculiar* Officers, which were the *Characteriſticks* of a *Burgh*, and were *Created* and paſſed by *Charter*, which the *Sheriffs* might not take notice of.

[3] Regiſter of Writs, f. 261. b.
[4] Append. n. 16.

C

Laſtly, when ſome Sheriffs might call for the Charters, and enquire after the *Free Burgeſſes* of ſome *Towns*, they might not *find* any, or be *informed* there was none, which *ſomtimes* might be the *cauſe* of ſome *Negative Returns*, that *there were no more Burghs in ſuch or ſuch a County*, than what they then Returned.

When therefore there doth ariſe a *diſpute* about *Elections*, by whom

D they ought to be made, in ſuch *Towns* as have neither *Charter*, nor *Burgeſſes*. The Anſwer is ready, that they ought to be made by the *Freeholders*, ſuch as are *poſſeſſed* of the *Ancient Demeaſn* Lands, or thoſe which anciently by one way or other had been in the Crown.

From the 17th of *Edward* the Fourth, which are the laſt Returns of Parlement Writs in the *Tower*, now known, to the Firſt of *Edward* the Sixth, the Returns are all loſt; there are two Bundles in the

Moſt of the Writs and Returns loſt, ſince the Reign of *Edw.* the 4th.

E Chappel of the Rolls in the time of *Henry* the Eighth, but not Legible. Two other Bundles in the Reign of *Edward* the Sixth, 1ſt and 6th. Five Bundles in Reign of *Queen Mary*. Seven in the Reign of *Queen Elizabeth*. Three in the Reign of *King James* the Firſt, and Five in the Reign of *King Charles* the Firſt, and no others either in the *Petty-Bag*, *Crown-Office*, or in any other known place, until the Reign of *King Charles* the Second.

F And theſe Returns here are not much unlike thoſe in the *Tower*, as may appear in theſe few inſtances, being alſo different in moſt places, according to the Clerkſhip of thoſe that made them.

Returns ſince King *Henry* the Eighth.

Cheping-Wicomb in *Buckingham-Shire*. [1] *Hec Indentura teſtatur, &c. Quod Major & Burgenſes unanimi aſſenſu & conſenſu elegerunt, &c. In cujus rei Teſtimonium Major & Burgenſes Sigillum ſuum appoſuerunt.*

[1] Retorn. Brev. Parl. 1 Ed. VI. In Capella Rotulor. *Wicomb.*

For

[2] Ibid. 6 Ed. 6.

For the ſame Town, *Hec* [2] *Indentura teſtatur, &c. Quod Major, Ballivi, & Burgenſes unanimi aſſenſu elegerunt, &c. In cujus rei Teſtimonium Major Ballivi & Burgenſes Sigillum ſuum appoſuerunt.* The ſame Return in 1 *Mariæ*. And the Elections of Mayor, Burgeſſes, and Town-Officers, were then made by a Select Number, under the Name of Mayor, Bailiffs and Burgeſſes, ever ſince, except for a few years laſt paſt, as alſo the Parlement Members Excluſive of the Ordinary Freemen. A

[3] Ibid. 1 Mariæ. *Reding.*

Reding in *Bark-Shire*. *Hec* [3] *Indentura Teſtatur, &c. Quod Major, Burgenſes & Communitas Burgi, Ordinavimus, Elegimus, & nominavimus, &c. In cujus Rei Teſtimonium Major & Burgenſes Sigillum ſuum Commune, &c.*

[4] Ibid. 1. Mariæ. *New Windſor.*

New Windſor, nos Major Burgenſes & Communitas [4] *Novæ Windſor ex unanimi aſſenſu & conſenſu noſtris elegimus, &c.* B

[5] Ibid. 1 Mariæ. *Thetford.*

Thetford in *Norff. Hec* [5] *Indentura Teſtatur, &c. Quod Major, Burgenſes & alii homines de Communi Concilio, & congregatione dicti Burgi, una voce elegimus, confecimus, ordinavimus & in loco noſtro poſuimus, &c. In cujus Rei Teſtimonium nos Major & Burgenſes Sigillum noſtrum Commune apponi fecimus.* The ſame Return is in the Firſt of *Elizabeth*, the *Burgeſſes* Names only excepted. Here the *Mayor, Burgeſſes*, and other *Men* of the *Common Council*, and ſuch as uſed to come to *Town* or *Burgh-Meetings*, were the *Electors*, which agrees with the Practice at this Day. C

The Caſe between Sir *Joſeph Williamſon* and Mr. *Heveningham* at *Thetford.*

In the Caſe between Sir *Joſeph Williamſon*, and Mr. *Heveningham*, the firſt *choſen* by the *Mayor, Burgeſſes*, and *Commonalty* of *Thetford*, the other *choſen* by *ſome* of the forementioned *Electors*, and alſo by the *Major part* of the *Freemen* of the Town.

[6] Commons Journal. Mercur. 17 Jun. 1 Jacob. 2. 1685. f. 193.

The Report of the [6] *Committee* of *Elections* to the Houſe concerning the *Election* at *Thetford.* D

Reſolved, that 'tis the *opinion* of this *Committee*, that the *Right* of *Election* is in the *Mayor, Burgeſſes*, (which are Ten,) and in the *Commonalty*, or *Common Council* (which are Twenty,) amounting in the whole to *Thirty one.*

[7] Ibid.

Reſolved, [7] that this Houſe doth *agree* with the *Committee*, that the *Right* of *Election* is in the *Mayor, Burgeſſes*, (which are Ten,) and in the *Commonalty*, or *Common Council*, (which are Twenty,) amounting in the whole to *Thirty one.* E

The Houſe of Commons miſtaken in the meaning of ſome indefinite expreſſions in the Returns of Writs.

By all theſe Ancient, and later Returns, but more eſpecially if compared one with another, it is manifeſt, that in very many *Controverſies* about *Elections*, the *Houſe* of *Commons* have been frequently *miſtaken* in the *meaning* of theſe *indefinite expreſſions*, *Major & Cives*, *Major & Burgenſes*, *Major & Communitas*, or *Major, Burgenſes, & Communitas elegerunt*, underſtanding thereby *all Citiſens, Burgeſſes*, or *Freemen* in *General* of ſuch *Cities* and *Burghs*, when as they were only a *Select Number*, which *managed* the *Affairs* and *Government* of thoſe places. F

Nay,

Nay, when or where it is ſaid in ſome few Returns *Major, & omnes Burgenſes, & Comminarii elegerunt*, thoſe *Words* are moſt commonly, if not always to be underſtood in a *Limited* and *Reſtrained* Senſe; which was, that the *Mayor*, and all the *Chief Burgeſſes*, or the *Mayor* and all ſuch *Burgeſſes* (which were the ſame with *Aldermen*, though they wanted the Title,) and *Commoners* ſuch as *were* of the *Common Council*, or ought to be at *City* or *Burgh Congregations* or *Meetings* did *chooſe*, &c. Who always were a *Select Number*, *Excluſive* of the Bulk of *Common*, *Ordinary*, *Poor Freemen*, *Citiſens*, or *Burgeſſes* of the loweſt Rank. And the *omnes Burgenſes Comminarii*, *& alii homines Burgi*, *did moſtly* ſignifie *no other Perſons* than all the *Burgeſſes*, *Men*, and *Commoners*, who *were* or *ought* to be at *publick Meetings* of the *Burgh* or *City*, and did *tranſact* the uſual buſineſs of the place.

Add to this, what hath been ſaid before, concerning the great *errour* about the *meaning* and *ſignification* of the Word *Communitas*, and that there were very *few ancient Writs* and *Returns* made upon them, to be ſeen in the *Record-Office* in the *Tower*, before Mr. *Pryn*, in the years 1660, and 1661. found ſo many lying confuſedly amongſt other *Records* in the *White Tower*, as made Ninety Seven Bundels, which he mentions in his *Brevia Parliamentaria Rediviva*; by which Men might have been better informed. And it will ſeem no great wonder to find Men *guided* only by the *Sounds* of *Words*, and *Byaſſed* by *Popularity*, to run into Opinions both pleaſing to themſelves, and the Vulgar, and of late years, to have *determined Controverſies* about *Elections* accordingly, contrary to the moſt common and frequent ancient uſage, in Electing *Citiſens* and *Burgeſſes*, and *Tenor* of the *Returns* of Parlement *Writs* in thoſe times.

FINIS.

F I G. 1.

ADDENDA.

To be added in Fol. 12. Letter E. after these words, *To that Town then.*

Rex tenet * Mileburn, *Rex Edwardus tenuit nunquam Geldavit nec scitur quot hidæ sunt ibi, Terra est* L. *Caruc. &c. In hoc manerio sunt* 56 *Burgenses cum Mercato Reddentes*, LX *Sol.*

* Domesday, fol. 86. b. Col. 1.

A The King holds *Mileburn*, King *Edward* held it, 'twas *never* Taxed, neither is it *known* how many *Hides* there are, the Arable is 50 Carucates, *&c.* In this Maner there are 56 Burgesses with the Market, paying Sixty Shillings. Nothing more of this place, and its Burgesses

In * *Givelcester*, *Sunt* CVII *Burgenses Reddentes* XX *Sol. Mercatum cum suis Appendicibus Redd.* XI *Lib.*

* Ibid.

B In *Givel*, or *Ilcester*, there are 107 *Burgesses*, who pay Twenty Shillings, the *Market* with its *Appendices*, or what belongs to it, pays 11 Pounds. This is all to the present purpose, in the Description of this Town.

To be added in Fol. 37. Letter F. after the last Line in the Leaf.

And it is yet more clear from the following Record in the Parlement holden at *Westminster*, in the Month of *Easter*, in the second of the same King *Edw.* 2. The *Commons* then delivered *certain* Articles of Grievances to him for Redress, whereof the Sixth Article begins thus,

C *Que les* * *Chivalers, gentz de Citez é de Burghs, é des* autres Villes *qui sont venuz à son* Parlement per son Comaundement *pur Eux & pur le people é ont peticions à Livrer por Fortz & Grievances, &c.* That is, The *Knights*, Men of *Cities* and *Burghs*, and of other Towns, that were come to his Parlement, by his Command, *&c.* Here are *Knights, Citizens, Burgesses*, and Men of other Towns, who came to the Parlement by the Kings Command, What were these Towns that were neither *Cities*, nor *Burghs*, if not the Kings *Ancient Demeasns?* Or, what were the Men that *came* from these Towns, if not *Tenents* in *Ancient Demeasns?* They could be no other Towns, nor other Men, than the *Tenents*, that were their Representatives, and with the *Knights*, *Citisens* and *Burgesses*, delivered the *Articles* of Grievances to the *King*.

* Clauf. 3 E. 2. M. 22. Dorf.

Other Towns besides Cities and Burghs sent Representatives to Parlement.

To be added in Fol. 42. Letter B. after the words, *Die Decembris.*

Besides the Towns above-mentioned to be found in *Domesday-Book*, in the several Counties under the Title of *Terra Regis*, the *Kings Lands*, that were holden of him, and were Ancient Demeasns, or his Ma-

E ners; *Gildeford* in *Surrey* at the time of making the Conquerors *Survey*, was the Kings Land, but then no *Burgh*, Domesday-Book, f. 30. a. Col. 1. *Gaton* or *Gatton* in the same County, was the *Bishop* of *Bayeux* his Land, *Ibid.* f. 31. b. Col. 1. Then *no Burgh*; this Town *Escheated* or *Reverted* to the *Crown* after his Death, or perhaps before by *Forfeiture*, when he was *Imprisoned* as a *Traytor* by his Half-Brother King *William*, *A. D.* 1085. *Dorchester* in *Dorsetshire*, described by its self with its Customs, *Ibid.* f. 75. a. Col. 1. and then

F under the Title of *Terra Regis*, as a very great *Miner* only, *Ibid.* Col. 2. *Pool* in the same County is not to be found in *Domesday-Book*; 'tis an *Hamlet* of *Canford* or *Chenford*, which was the Kings Land, and *holden* of him by *Edward* of *Salisbury*. *Edwardus de Sarisburia tenet de Rege Chenesord*, &c. f. 80. b. Col. 1. *Corf* in the same County was the Kings Land, *then no Burgh*, and holden of him by *Robert Fitz-Gerold.*

The Kings Towns, and Antient Demeasns, from Domesday-Book.

Robertus filius Geroldi tenet de Rege Corf, &c. ibid. The *Mayor* of this place is *choſen* and *ſworn* in the *Court-Leet*. *Marlave* or *Marlow* in *Buckinghamſhire*, is to be found under the Title of *Terra Reginæ Matildis*, and ſo Crown-Land, but *no Burgh*, deſcribed only as a great Maner, ibid. f. 152. b. Col. 1. *Newton* in *Lancaſhire*, holden of the King, and was ancient Demeaſns, then *no Burgh*, ibid. f. 259. b. Col. 2. f. 260. a. Col. 1.

The Kings Towns, or ancient Demeaſns from other Records.

There were alſo other Towns, that appear to have been the Kings Towns or Demeaſns by other Records, *Old Sarum* in *Wiltſhire*, or the Old *Caſtle* of *Salisbury*, was the Kings Demeaſns. See Charter the 11th of *Hen.* 3. for the Foundation of the *Church* and *City* of *New Sarum*. *Exceſter* in *Devonſhire* was the Kings *City* and *Demeaſns*. *Cart.* 13 *Edw.* 1. *per inſpeximus*, and here fol. 46. A. The Maner of *Chriſt-Church* in *Hamſhire*, with the Inheritance, was conveyed to King *Ed.* 1. by *Avelin de Fortibus*, Counteſs of *Devonſhire*, *Pat.* 21 *Ed.* 1. M. 3. The ſworn Burgeſſes of the Baron Jury of the Court in this Town, chooſe two Perſons, and preſent them to the Steward, of which he taketh one, and ſwears him Mayor; they alſo chooſe Parlement-Men. *Hedon* in *Yorkſhire* was paſſed to the ſame King by way of Exchange, *Clauſ.* 4 *Ed.* 1. *M.* 7. in Cedula. *Leſtwithiel* in *Cornwal* was the Kings Town, Rot. Parl. 8 Ed. 2. N. 41. *Dorcheſter* and *Lime* in *Dorſetſhire*, were the Kings *Demeaſn Burghs*, Rot. Parl. 11 Hen. 4. N. 53. 55. *Newcaſtle* under *Line* in *Staffordſhire*, and *Higham Ferrers* in *Northamptonſhire*, were both the Kings Maners, Rot. Parl. 38 *H.* 6. N. 38. The City of *Wincheſter* in *Hamſhire*, held of the King in Fee-Farm, paying 120 Marks *per Annum*, and ſome part of it was holden of him *in Capite*, Rot. Parl. 11 *Hen.* 4. N. 57. *Stock-Bridge* in *Hamſhire*, the Parlement-Men are *Returned* by the *Steward* of the *Leet* or *Court-Baron*. The Burgeſſes of *Agmondeſham* in *Bucks* are choſen by the *Homage* in the *Court-Baron*: And note, That where-ever the *Mayor*, *Bayliffs* and *Burgeſſes* are choſen by the *Jury* in a Court-Baron, or at the Leet, they were *Towns* in *Ancient Demeaſns*; or where the Returns of Parlement-Members have been, or are now made by the *Lord* or *Lady* of the *Maner*, as at * *Aylesbury* in *Bucks*, or their *Steward*. The *Conſtable* of the place, an ordinary Bayliff, or ſuch inferior Officer. They were alſo *Towns* in *Ancient Demeaſns*. And further, 'tis not to be doubted, but there are many *ſmall Towns*, *Maners* and *Places*, now *Reputed Burghs*, which were not ſuch at the making of *Domeſday-Book*, or the *Conquerors Survey*, nor perhaps were they the Kings Demeaſns at that time. But thoſe Maners and Towns might have *come* to the *Crown* afterwards, by *Eſcheat* or *Forfeiture*, before there were any Summons iſſued for the *choice* of *Citiſens* and *Burgeſſes*. And ſo the Sheriffs then (to whoſe * Diſcretion it was left to direct them) might ſend Precepts to ſuch of the Kings Towns as they thought to be, or named Burghs, to ſend Repreſentatives to Parlement. Whether they were Real Burghs or not; or in ſtead of Burghs, might direct their *Precepts* upon the Writ to ſuch of the Kings *Towns*, and *Demeaſns*, as by exerciſing Trade, and uſing ſome *Franchiſes* and *Liberties* by Connivence, and under ſhelter of the Royal Protection, had the appearance of Burghs.

* In the Additions to the Appendix, N. 23. 24.

* See here from Fol. 51. to Fol. 60.

To be added in Fol. 50. Letter D. after the words, *Bailiffs of Briſtol.*

And 'tis yet further evident, That *Cities* and *Burghs* maintained themſelves, paid Taxes, and bare other Charges in Reſpect, and by Means

Means of their *Franchiſes*, upon which the Cities and Burghs were founded, from the * Petitions of the *Citizens* and *Burgeſſes* to the King and his Council in Parliament, in the 46 of *Edw.* 3. in the form following: To our Lord the King, and his Noble Council, the *Citizens* of the *City* of *London* do ſhew, That they have *nothing* to *live upon* but their *Induſtry* and *Franchiſe*, upon which *Franchiſe* the ſaid *City* was *founded*, and by reaſon of which *Franchiſe* they were wont to *Travail* by Land and by Sea in divers Countries for their profit. By which Travail they uſed to bring divers Merchandiſes, to the great common profit of
A the whole Realm of *England*, to the great Aid and Maintenance of the ſaid City, Suſtenance and Increaſe of the Navy of the ſaid Land: And of late their *Franchiſes* are *taken* from them *againſt* the *Grant* of our ſaid Noble *Lord* the *King*, and his *Noble Progenitors*, *ſealed* with their *Seals*, and againſt the *Great Charter*, to the great Deſtruction as well of the ſaid City, common Damage of the Land, as alſo of the Navy. Whereupon they pray, That the King would pleaſe to have regard, and take notice, the ſaid *City* was *founded* upon the ſaid *Franchiſes*, without which they could not maintain the City, nor bear the Taxes and other Charges as they were wont to do: For which cauſe they pray they
B may *have* their *Franchiſes* according to the *Grant* of the *King*, and his *Noble Progenitors*, and the Great Charter; and that all ſuch Grants, and *Confirmations* of *Franchiſes* may be made to all *other Cities*, and *Burghs* of the Realm.

* In the Additions to the Append. N. 25.

The City of *London* founded upon the Franchiſes Granted by the Kings of *England* and their Progenitors.

To be added in Fol. 75. Letter D. after the words, *In other Years.*

Gambridge.

Burgeſſes for the *Town* of *Gambridge* were *choſen* in the *County-Court* in the 2d. of *Hen.* 5. in 4. 6. 11. 14. and 29 *Hen.* 6. and 17 *Edw.* 4. In the 2d. of *Hen.* 5. they were choſen in the County-Court by * Twelve Electors only, *ex aſſenſu totius Communitatis Burgi*, by aſſent of the whole Community of the Burgh. And
C from this time to the 22d. of *Edw.* 4. being the laſt Returns in the *Tower*, there are but *Eight Electors mentioned* in the Returns, whether the Election was made in the County or Town-Court. In the 27th of *Hen.* 6. the Election was made * by only *Eight Electors*, for the Community of the Burgh, according to the Cuſtom of the Liberty of the Town. In the 29th of the ſame King, the Election was made in the *County-Court*, * by Eight Electors only, according to the Cuſtom of the Town, who are named in both Returns.

* Ibid. N. 26. But 12 Electors.

Or Eight according to the Cuſtom of the Town.

* Ibid. N. 27.

* Ibid. N. 28.

In the 7th and 12th of *Edw.* 4. the *Elections* for *Huntington* were made by 12 Perſons only, there being no Aſſent or Authority of or from others mentioned in the Returns. The like were made by 12 Perſons only for *Wicomb* in
D *Buckinghamſhire*, in the 12th and 17th of the ſame King; and ſuch as will ſearch the Returns in the *Tower*, may find very many ſuch Elections, made conſtantly by a certain Number of Electors, in theſe and other Towns, and even in ſuch, where of late (ſince the 22d. of King *James* the Firſt) *Popular Elections* have ſometimes prevailed.

Huntington & Wicomb.

12 Perſons only Electors.

To be added in Fol. 59. Letter A. after the words, *May be choſen.*

Hertford.

The Town of *Hertford* ſent Burgeſſes to Parlement 18 times; ſee Bundles of Writs and Returns in the *Tower*, and *Pryn*'s Fourth part of a Brief Regiſter of
E Parlement Writs, p. 1002. but ſince the 7th of *Hen.* 5. for the ſpace of 20 Years, *ſent none*, until the 22d. of King *James* the Firſt, notwithſtanding it was the *Shire-Town*. By an *Extent* of the *Caſtle* and *Town* of *Hertford*, with their Appurtenances, made on *Saturday* in *Eaſter*-Week, in the 5th of *Edw.* 3. and ſtill in * being under Seal, it appears, the *Caſtle* of *Hertford* and the *Burgh* there, were holden *in Capite* of the King. * *Juratores dicunt ſuper Sacramentum ſuum, quod Caſtrum de Hertford & Burgus ibidem tenentur in Capite de Domino Rege, &c.* The *Bayliff*, and *Under-Bayliff*, and all other Officers, were *choſen* every
F Year by the *Community* of the *Town* in the next *Court* after *Michaelmaſs*, and the *Chief Bayliff* was allowed by the King *Twenty Shillings* every Year for a *Gown* or *Livery*. The *Porter* of the *Caſtle* was *put* in by the King, and had of him for his *Wages Two Pence a Day*. * *Juratores dicunt, quod Ballivus Villæ de Hertford debet Eligi per Communitatem Ville, & facient Electionem ſuam quolibet Anno in proxima curia poſt Feſtum Sancti Michaelis tam de Ballivo, & ſub-Ballivo, quam de omnibus aliis officiariis & Capitalis Ballivus habet de Domino Rege per Annum* 1 l. *pro Roba ſua, &c.*

* In Archivis Villæ.

* In Extent. ib.

The Caſtle and Burgh of *Hertford*, holden *in Capite* of the King.

* Ibid.

To

To be added in Fol. 78. Letter B. after the words, *Nostris Elegimus, &c.*

New-Windsor.

What this *Community* or *Commonalty* of *New-Windsor* was, may be seen in the *Charter* of * *Edward* the Fourth, Inrolled in the *Exchequer* in *Easter*-Term, in the 7th of that King, Roll the 4th, with the Kings Remembrancer, and in the 10th Year of the same King, in the same Term, Roll the 5th, with the Treasurer's Remembrancer. By which *Charter* 'tis plain, That the *Corporation*, or *Body Politick*, and the *Community*, was the same thing. * *Concedimus Edmundo Pury nunc Majori, necnon Tho. Sherman & Willielmo Stephen Ballivis dictæ Villæ de Nova Windsor & Burgensibus, & Inhabitantibus ejusdem Villæ, quod ipsi Burgenses, & Inhabitantes,* (i.e. the Burgesses Resident, that dwelt in the Town) *de Cætero sint in perpetuum unum Corpus in Re & Nomine,* & **Una Communitas perpetua Corporata** *de uno Majore & Duobus Ballivis, ac Burgensibus ejusdem Villæ, ipsique Major Ballivi & Burgenses successionem habeant perpetuam, & quod ipsi Major Ballivi, & Burgenses & Successores sui per nomine Majoris, Ballivorum, & Burgensium de Nova Windsor placitare & implacitari, &c.* And that these Burgesses were a select Number of the chief Inhabitants of the Town, it *appears* by the *Town-Books*, in which the Transactions of the Burgh and Corporation have been noted, and from time to time set down. These Burgesses at first were the Kings Tenents, as appears by another * Charter of *Edw.*4. *Sciatis, Quod cum Edwardus nuper Rex Angliæ primus post Conquestum, concesserit pro se & hæredibus suis, Quod Villa sua de Nova Windsor deinceps Liber Burgus Esset, & quod* **probi homines sui** *ejusdem Villæ & eorum Hæredes, & Successores,* **Liberi Burgenses Essent, & Gildam Mercatoriam** *haberent, &c.*

A Community, or Commonalty Corporate.

* Ibid.

A

B

* Lit. Pat. 2 Ed. 4. Decimo die Martii per Inspeximus.

This *Trading Gild, Fellowship, Community* or *Fraternity*, was in those times, with the *Privileges* belonging to it, the very *Constitution* of a *Burgh*, and was always a *select Number*, distributed into several *Ranks* and *Orders*, and the whole *Fellowship* or *Fraternity* of the *Gild* of *New-Windsor*, as it had been formerly Established according to the *Ancient Usage*, and *Custom* of the Town, is *explained* and *confirmed* in the * *Charter* of King *James* the First, wherein the *Old Name* of the *Burgh*, or Corporation is continued, *viz.* the *Mayor*, *Bayliffs* and *Burgesses* of *New-Windsor*, &c. And 28, or not above 30, of the *best*, and most *Worthy Inhabitants* of the *Burgh* are *appointed* to be the *Number* of the *Fraternity* of the *Gild-Hall* of the *Burgh*, and to be the *Common Council* of the Burgh, and *assistent* to the *Mayor* and *Bayliffs* of the same Burgh, in all Matters and Things touching the same. Of these 28 or 30 Brethren, *Thirteen* were to be *called*, *Fellows* or *Benchers* of the *Guild-Hall*; and of them *Thirteen*, *Ten* were to be called, *Aldermen* or *Chief Benchers*, out of which the *Mayor* is to be chosen, and the two *Bayliffs* out of the *Brethren* of the *Burgh*. Here we have the *Mystery* of the *Community* or *Corporation* unfolded, That it *consisted* of a *Mayor*, *Two Bayliffs*, and 28 or 30 *Brethren* of the *Guild-Hall*, who were the *Mayor*, *Bayliffs* and *Burgesses*, according to the *Ancient Usage* and *Custom* of the *Town*. And if the *Ancient Charters*, *Writings* and *Monuments* of all *Burghs*, or pretended *Burghs* in *England*, were inspected, judiciously examined, and compared one with another, the meaning of the word **Communitas**, *Community*, (or, as vulgarly translated) the *Commonalty*, would be as clear and perspicuous, as it is in this place of *Windsor*, or any other *City* or *Burgh*.

A Town with a Trading Gild, or Society, was a Burgh.

* Pat. 1 Jac. 1. in Capella Rot. & Addit. to the Append. N. 29

C

D

E

The Indenture of Return for Parlement-Burgesses in the 15th of King *Charles* the First, 1639. runs thus, * This Indenture made the 6th Day of *March*, in the 15th Year of King *Charles* 1639. between the *Mayor*, *Bayliffs* and *Burgesses* of the *Burgh* of *New-Windsor* on the one part, and *George Purefey* Esq; *High Sheriff* of the County of *Berks*, on the other part, Witnesseth, That the **said Mayor, Bayliffs and Burgesses**, with their mutual free Assent and Consent, have Elected and Chosen Sir *Arthur Ingram*, and Sir *Richard Harison*, Burgesses, *&c.* The like Return is in the * 39th of Queen *Elizabeth*, and before; and all the Reign of King *James* the First, and King *Charles* the First, until the Year 1641. *&c.*

* In the Bundle of Returns for that Year, in the Chapel of the Rolls.

* Ibid.

F

An Advertiſement.

AFter the Additions were Printed in this Treatiſe Fol. 81, 82, 83, 84. it was thought fit to make this alſo, which is to be inſerted in Fol. 24. C. between the firſt and ſecond Paragraph, and before the words, *Theſe Communities had their Seals*, &c.

But if all this ſhould not be thought ſufficient to prove, That the **Commonalties** or **Communities** of *Burghs*, or other *Societies*, were a **Select Number**, and *different* from all other **Common Burgeſſes**, ſuch as are not ſatisfied may peruſe the following Statutes.

In * the 2d and 3d of *Edw.6. C.36. The Lords and Commons did by Authority of that Parliament Give and Grant*, &c. *To be Rated, Taxed, Levied, and Gathered as well of all and every Perſon, as were, or thereafter ſhould be, his Graces Natural Subjects, as of all and every* **Fraternity, Guild, Corporation, Myſtery, Brotherhood, Company** *or* **Communalty**, *Corporate or not Corporate, within the Realm of* England, Wales, *and other the Kings Dominions*, &c. And ſo in the 7th of the ſame King, *C.* 12. The ſame Words are in the 2d and 3d of *Philip* and *Mary*, *C.* 23. In the 5th of Queen *Eliz. C.* 27. *And further be it Enacted by the Authority aforeſaid, That every Perſon born under the Queens Obeyſance, and every* **Corporation, Fraternity, Guild, Myſtery, Brotherhood** *and* **Communalty**, *Corporate or not Corporate, for every Pound of every of the ſame Perſon, and every* **Corporation, Fraternity, Guild, Myſtery, Brotherhood** *and* **Communalty**, *Corporate or not Corporate, or any other to his or their uſe, hath in Fee-Simple, Fee-Tail, for Term of Life, Term of Years, by Execution, Wardſhip, or by Copy of Court-Roll, of and and in any* **Honors, Caſtles, Mannors, Lands, Tenements, Rents, Services, Hereditaments, Annuities, Fees, Corrodies**, *or other Yearly Profits, of the Yearly Value of Twenty Shillings, and ſo upwards, ſhall pay to and for the firſt Payment of the ſaid* **Subſidy** *Two Shillings and Eight Pence of and for every Pound*, &c.

* See Stat. at Large.

The ſame Words are in the 18th of *Eliz. C.* 23. and in the 27th of *Eliz. C.* 29. Alſo 29th of *Eliz. C.* 8. And 43d of *Eliz. C.* 18.

All

All theſe *Words* of **Fraternity, Guild, Corporation, Myſtery, Brotherhood, Company** and **Communalty**, Coporate by Charter, or voluntarily Embodied or United (by permiſſion) amongſt themſelves without one, are *Terms* almoſt *Identical*, and *Expreſſive* of one another; and are ſuch as in thoſe Times were frequently uſed, to denote a *Select Number* of Men joyned together in Mutual *Society* and *Fellowſhip*, for *Tranſacting* the Common Buſineſs of a *Greater Number* that had *Dependence* on that *Society* or *Fellowſhip*, and of all the *Ordinary* and *General Members* of the ſame. And this *Select Number* is in all theſe *Statutes*, *Expreſſed* and *Notified*, by one, or more, or all the Words above-mentioned, in *Contra-Diſtinction* to the *Common*, *Ordinary*, and *General Members* of ſuch **Fraternities, Guilds, Corporations, Myſteries, Brotherhoods, Companies** and **Communalties.** For the **Subſidies** Granted by all theſe *Statutes*, were to be *Rated*, *Taxed*, *Levyed* and *Gathered* as well of *all*, and *every Perſon* that were the *Kings Subjects*, as of *all* and *every* **Fraternity, Guild, Communalty**, *&c.* So that **Fraternities, Guilds** and **Communities**, muſt be different things, from ſingle and particular Perſons, or all the Kings Subjects in general. And from the *Common* and *Ordinary Members* of ſuch *Societies*, who could not be there *meant*, or *underſtood* by **Communalty**, or **Commonalties**, as having no **Honors, Caſtles, Mannors, Lands, Tenements**, or **Hereditaments** *Veſted in them*; nor does One of Twenty of them poſſeſs or enjoy any ſuch things. Therefore ſeeing **Commonalties** had ſuch *Poſſeſſions*, they muſt be **Select Numbers**, and *Body's* of Men who were by Law capable of *Taking*, *Receiving*, and being *Poſſeſſed* of them. And from hence, as well as from what hath been ſaid before, 'tis manifeſt beyond Contradiction, That the **Commonalties**, of *Cities* and *Burghs*, and other *Societies* or *Fellowſhip*, were the *Magiſtrates* and *Governors*, and all *ſuch* as with *them* had the *Tranſaction* of all Affairs appertaining to them, and not the *Common, Ordinary*, or *Inferior Burgeſſes*, who always were under the *Government*, and *Direction* of ſuch **Communities**, or **Commonalties.**

A B C D E F

A

A

SUPPLEMENT

TO THE

Preceding Advertiſement;

And to be read with, and after it.

B

C

AD Petitionem **Comunitatis** Villæ de *Huntingdon* & *Simonis* de *Broughton* Magiſtri *Hoſpitalis Sancti Johannis* de *Huntingdon* ſuggerentium Regi Quod licet idem Simon jam per viginti Annos & amplius *Magiſter* prædicti *Hoſpitalis* Extitiſſet & ad *Epiſcopum* iſtius loci per **Comunitatem** prædictam *præſentatus, & ad ipſorum Præſentationem* in *dicto Hoſpitali prout Prædeceſſores ejuſdem præſentati ſemper hactenus extiterunt Inſtitutus fuiſſet*; *Willielmus* de *Làngeele* nihilominus Domino Edwardo Regi nunc, dedit intelligi non eſt Diu quod dictum *Hoſpitale* vacabat. Quodq; *Præſentatio* ejuſdem ad *Regem* pertinuit, per quod idem *Willielmus* de *Làngelee* verſus **Comunitatem**, & Magiſtrum prædictos diverſa *Brevia* de Quare Impedit, ad certos Dies coram Juſticiariis Domini Regis de Banco returnabilia; Nomine Regio Impetravit, ad quos Dies idem *Willielmus* de *Làngelee* uſq; finem Termini, ut ipſos **Comunitatem** & Magiſtrum vexaret inde indebitè & gravaret, ſe voluntarie & malicioſe abſentavit, in ipſorum **Comunitatis** & Magiſtri Damnum, *&c.* Unde petunt, *&c.*

Rot. Parl. 8. Ed. 2, n. 235. Pro Comunitate & Magiſtro Hoſpitalis Sancti Johanis de Huntingdon.

D

E

Reſponſum eſt per Concilium.

Mandetur Juſticiariis coram quibus Loquela iſta pendet quod procedant indilate, eo non obſtante quod Willielmus de Làngelee qui ſequitur pro Rege ſe per Maliciam ſic abſentat, quia Rex non vult quod per hujuſmodi Maliciam, Juſticia deferatur.

Ibm.

F

Upon the Petition of the *Comunity*, or *Comonalty* of the Town of *Huntingdon*, and *Simon de Broughton*, Maſter of the Hoſpital of St. *John* of *Huntingdon*, ſuggeſting to the King, That altho' the ſaid *Simon* had been Maſter of the ſaid Hoſpital above twenty Years,

For the Comonalty and Maſter of the Hoſpital of St. John in Huntington.

Years, and was preſented by the ſaid *Comonalty* to the Biſhop of the Dioceſe, and inſtituted to the ſaid Hoſpital according to their Preſentation, as his Predeceſſors always had been, Nevertheleſs *William* of *Làngele* informed the Lord *Edward* that now is *King*, That the ſaid Hoſpital was not long ſince void, and that the Preſentation to the ſame belonged to him. By which the ſame *William* obteined in the King's Name divers Writs of *Quare Impedit* againſt the *Comonalty*, &c. returnable at certain Days before the *Juſtices* of Common Pleas, at which Days, the ſame *William* of *Làngele* until the end of the Term willingly and maliciouſly abſented himſelf, That he might thereby unduly vex and diſturb the ſaid *Comonalty* and Maſter, to their Damage, *&c.* Whence they begg, *&c.* A

To which Petition 'twas anſwered by the Council. B

Let the Juſtices, before whom the Suit is depending, be commanded to proceed without Delay, notwithſtanding *William de Làngele*, who ſues for the King, by Malice abſents himſelf, becauſe the King will not, That Juſtice ſhould be delayed, by ſuch Malice.

No man I think can affirm otherwiſe, Then that this *Comonalty* was the *Corporation*, the *Body politic*, or *Governing part*, of the Burgh or Town of *Huntington*, that *preſented* to the *Biſhop* the Maſter of the Hoſpital to be Inſtituted, that was *ſued* by Writ of *Quare Impedit* for ſo doing: For no number of *Ordinary Freemen*, as ſuch only, could have a *Capacity* to do ſuch Acts, and to be *ſued* for doing them; nor the *Herd* of *Common Freemen* or *Burgeſſes*, who in themſelves never were or can be *qualified* for any ſuch *Purpoſes*, as *Diſtinct* from, and *not Members* of the *Body politic* or *Governing part* of the Town. C D

To this ancient Record I ſhall ſubjoin ſeveral *modern Charters*, by which *Burghs* have been erected, that prove the meaning of the Word **Comunity** or **Comonalty**, and who were the **Comonalty** or **Comunity** in *Burghs* or *Corporations*.

Charter to Rye
Parliament Man
1.

The firſt ſhall be that of *Banbury*, Pat. 1. Mariæ, parte 10. in the Rolls Chappel. *She* granted *Inhabitantibus Villæ de* Banbury, *quod dicta Villa de Banbury de cætero ſit & erit* **liber Burgus corporatus**; *in re, facto, & nomine, in perpetuum*; *De Uno* Balivo, Duodecim Aldermannis, *ac* Duodecim Burgenſibus, *per Nomen* Balivi, Aldermannorum & Burgenſium Burgi & Parochiæ *de* Banbury. *Ac quod* Ballivus, Aldermani & Burgenſes Burgi & Parochiæ *prædictorum* **ſint & erunt Corpus corporatum & politicum**, & **una Comunitas** perpetua **de ſe**, *in re, facto, & nomine, in perpetuum, per Nomen* Ballivi, Aldermannorum, & Burgenſium Burgi *prædicti & Parochiæ de* Banbury, *habeantq*; *Succeſſionem perpetuam, Ipſoſq*; Ballivum, Aldermannos, & Burgenſes, **unum Corpus corporatum**, & **unam Comunitatem de ſe**, realiter & ad plenum erigimus, facimus, ordinamus & creamus, *pro Nobis, Hæredibus & Succeſſoribus Noſtris, in perpetuum per Preſentes*, &c. Then it follows, That the ſame *Baylif, Aldermanni*, & *Capitales Burgenſes*, *facient* E F

Banbury made a Burgh 1. Mariæ

facient & erunt ac vocabuntur Comune Consilium Burgi prædicti, pro omnibus rebus, materiis, causis & negotiis, Burgum prædictum ac Regimen & Gubernationem inde tangentibus & concernentibus. After the Erection and Constitution of the Burgh, *She Grants* there should be *one Burgess* to serve in *Parliament* for this *Burgh*, and that **only** the *Baylif, Aldermen* and *Burgesses*, should *choose* him. *Volumus ac pro nobis & Successoribus nostris per Præsentes concedimus*
A *& ordinamus quod sit & erit in dicto Burgo de Banbury* **unus Burgensis** *Parliamenti nostri, Hæredum & Successorum nostrorum. Quodq;* **prædicti Ballivus, Aldermanni, & Burgenses** *dicti* Burgi *&* Parochiæ *de* Banbury *& Successores sui super* Brevi *nostro Successorum & Hæredum nostrorum de* Electione *Burgensis Parliamenti eis directo,* **habeant** & **habebunt Authoritatem, Potestatem** & **Facultatem, eligendi** & **nominandi** *unum discretum Virum dicti Burgi, fore Burgensem Parliamenti nostri, Hæredum & Successorum nostrorum, pro*
B *eodem Burgo. Eundemq; Burgensem sic electum ad* onera *&* custagia *dicti Burgi, Parochiæ, &* **Comunitatis**, *mittent ad Parliamentum nostrum, Hæredum & Successorum nostrorum ubicunq; ad tunc tentum fuerit iisdem modo & forma prout in aliis Burgis Regni nostri Angliæ usitatum & consuetum fuerit. Quem quidem* Burgensem *sic electum*
& nominatum volumus interesse, & moram facere ad Parliamenta nostra & Successorum nostrorum ad onera & custagia dicti Burgi, & Pa-
C *rochiæ & Comunitatis ejusdem, durante tempore quo hujusmodi Parliamenta teneri contigerunt in eodem moda & forma prout alii Burgenses Parliamenti pro quibuscunq; aliis* Burgis *aut alio* Burgo *quocunq; infra dictum Regnum nostrum* Angliæ *faciunt seu facere consueverunt. Et qui quidem Burgensis in hujusmodi Parliamentis nostris, Hæredum & Successorum nostrorum habebit vocem suam, tam affirmativam quam negativam, cæteraq; omnia & singula faciet ibidem & exequetur quæ alii Burgenses, aut alius Burgensis Parliamenti nostri, pro quibuscunq; aliis Burgis aut alio Burgo quocunq; facient aut exequantur, aut ha-*
D *bere, facere aut exequi valeant, Ratione aut Modo quocunq;*

By this Charter 'tis very manifest, That the **Corporation**, and **Comunity** or **Comonalty** of this *Burgh*, were the *same thing*, and that the *Bayliff, twelve Aldermen*, and *twelve Burgesses*, who all together were the *Common Council* of the *Burgh*, were that **Corporation** and **Comunity** or **Comonalty**, and had **only** the **power** and **authority** to *choose* a *Burgess* or *Parliament man.*

E

In the second and third of *Philip* and *Mary*, *part.* 8. the Patent by which *Higham Ferrers* in *Northamptonshire* was made a *Burgh*, runs thus. *Concedimus Inhabitantibus Villæ de Higham Ferrers, quod dicta Villa sive Burgus de Higham Ferrers de cætero sit & erit* **Liber Burgus corporatus** *in re, facto, & nomine, in perpetuum; de uno* **Majore, septem Aldermannis,** & **trevecem Burgensibus** Burgi *&* Parochiæ *de* Higham Ferrers. *Ac quod* **Major, Aldermanni,** & **Burgenses** Burgi *&* Parochiæ *prædictorum,* **sint** & **erunt Corpus corporatum** & **politicum,** & **una Comunitas** *perpetua,* **de se,** *in re, facto, & nomine, in perpetuum, per* **nomen** Majoris, Aldermannorum, & Burgensium *Burgi & Parochiæ de* Higham Ferrers, *&c.* as in *Banbury*; and then Orders that **seven** of the *best*, most *able*, and *discreet Inhabitants*, should be *called Aldermen*, and **thirteen** more of the *best* and most *able* should be called

2 Higham Ferrers made a Burgh 2°. of Philip & Ma

led **Capital** *Burgeſſes*, and that the ſaid *Mayor*, *Aldermen*, and *Burgeſſes*, ſhould be the *Common Council* of the *Burgh* and Town, to *tranſact* all things belonging to it; and then *gives* the *Mayor*, *Aldermen* and *Burgeſſes* **only**, *Power* and *Authority* to *chooſe* one Burgeſs for Parliament, *&c.* *Quodq*; **Major, Aldermanni**, & **Burgenſes** *dicti* Burgi, &c. **habeant** & **habebunt** Poteſtatem, Authoritatem & Facultatem, elegendi & nominandi *unum diſcretum Hominem Burgi, fore Burgenſem Parliamenti*, &c. *ad* **onera** & **cuſtagia** *dicti* Burgi, Parochiæ, & Comunitatis ejuſdem, *&c.* A

In the ſame year of the ſame *King* and *Queen*, *part. 6. Patentium*, *Abington* in *Oxfordſhire* was made a *Burgh* and Corporation, conſiſting of a *Mayor*, *two Bayliffs*, and *nine Aldermen*; which **twelbe** were to be called **principal Burgeſſes**, and there named who had *power* to elect **ſixteen** or more **ſecundary Burgeſſes**, to be with them the *Common Council* of the *Town* for all Things. *Ac quod* **idem Major, Ballibi**, & **Burgenſes** ejuſdem *Burgi*, &c. *erunt* **unum Corpus corporatum & una Comunitas** *perpetua*, &c. who only, and their Succeſſors, had a *Grant* to *chooſe one Burgeſs* for Parliament. *Concedimus præfatis* **Majori, Ballibis**, & **Burgenſibus**, & **Succeſſoribus** *ſuis*, *quod* **habeant** & **habebunt** (as often as there ſhould be Summons to Parliament) Poteſtatem, Authoritatem & Facultatem **elegendi** & **nominandi** *unum diſcretum & probum Virum dicti Burgi fore* **Burgenſem parliamenti**, &c. as in all things in the *Patents* or *Charters* of **Banbury** and **Higham Ferrers**. And there needs nothing further to be obſerved upon theſe two places than hath been upon *Banbury*. B C

Abington made a Burgh 3 & Philip & Mary

All the time of *Queen Mary*, the Returns for theſe new erected *Burghs* are either loſt, or ſo much periſhed and rotten as they are not legible. Yet the *Returns* about this time of ſome other *Towns* and *Places* not far diſtant are *anſwerable* to this *Conſtitution*; as of *Oxford* in the firſt of *Queen Mary*, and the firſt and ſecond of *Philip* and *Mary*. D

Hæc Indentura facta apud Civitatem Oxon. &c. inter Johanem Williams *Militem*, &c. *ex una parte*, &c. *& Richardum Atkinſon*, Majorem *Civitat. prædict. &* **totam Comunitatem** *Civitatis prædict. ex altera parte, Teſtatur quod prædicti* **Major & Comunitas** *Virtute*, &c. *unanimi Aſſenſu & Conſenſu ſuis* **eligerunt** Thomam Walkinſon & Edwardum Clinton, *duos idoneos Cives*, &c. *Data apud Oxon. 27 die Martii, Anno Regni Reginæ primo.* E

And alſo of *Wallingford*, in the firſt of Queen *Mary*, *Hæc Indentura facta apud* Wallingford——— *inter* Robertum Cockſon **Majorem & Comunitatem** *Villatæ &* Burgi Wallingford *ex*———*Vicecomitem* Oxon. & Berks. *ex altera parte, Teſtatur, Quod nos dicta* **Comunitas** Villatæ & Burgi *prædictorum*——— Edmundum Aſſchefyld & Robertum Cockſon **Majorem** Villæ & Burgi *antedictorum* Burgenſes, ad ——— *In quorum Teſtimonium* Sigillum noſtrum Commune, *nomine omnium Intereſſentium præſentibus eſt appoſitum.* F

FINIS.

THE APPENDIX.

De *Burgo* Magnæ Jernemu.

MEmorandum quod *Villa* Magnæ Jernemu non modico tempore ante conqueſtum extitit Situata per progenitores Regis Angliæ ſuper *portum Magnæ Jernemu*, occaſione *proficui* provenientis de eodem *portu*, ad meliorationem ejus Villæ percipiendi, & factus fuit *Burgus Regis*. Unde in *libro* qui vocatur *Domeſday* reperiuntur verba quæ ſequuntur. In Bibliotheca Cotton. Claudius, E. 8. f. 5. A. Col. 1. N. 1. a.

Gernemu tenuit Rex Edwardus ſemper ſeptuaginta Burgenſes tunc valuit cum duabus partibus Soche de tribus Hundredis 18 *l.* ad numerum & pars Comitis 9 *l.* ad numerum, modo duæ partes *Regis* 17 *l.* 16 *s.* & quatuor Denarios blancas, pars *Comitis* 10 *l.* blancas, & *Vicecomes* habet quatuor libras & unum *ancipitem* Terræ de Gerſuma, has quatuor libras dant Burgenſes gratis & amicitia. In eadem habuit tempore Regis Edwardi Ailmarus Epiſcopus quandam Eccleſiam Sancti Benedicti, eandem modo habet W. Epiſcopus de Epiſcopatu & Valet 20 *s.* totum reddit 12 *d.* de gelto. *Nordfulc.* Ibid. Little Domeſday Book, f. 118. a.

Dimidium Hundredi de Luthinglond Gorleſton tenuit *Guertus* tempore Regis Edwardi quinque carucas Terræ pro uno Manerio, tunc *viginti Villani* modo *duodecim*, ſemper *quinque Bordmanni*, tunc *quinque Servi*, modo quatuor, tunc in *Dominico* duæ carucæ modo *una*, tunc *boves* V. caruc. modo III. Silvæ quinque porcorum decem acræ prati, tres Salinæ tunc II. *Runcini*, modo duo, ſemper *trecentæ* oves, in *Gernemu viginti quatuor piſcatores pertinent huic Manerio*. *Sudfulc.* Ibid. f. 283. a.

ET *Sciendum quod Progenitores Domini Regis tenuerunt prædictum Burgum in manibus ſuis propriis percipiendo omnia proficua exeuntia de portu prædicto, uſque ad tempus Regis Johannis* [1] *qui conceſſit Villam prædictam Burgenſibus Villæ prædictæ ad feodi firmam reddendo ſibi & hæredibus ſuis quinquaginta & quinque libras per annum, ad quod ſolvendum nihil aliud habent niſi conſuetudinem, & alia proficua provenientia de portu prædicto, nec capiant aliquas conſuetudines de rebus venditis vel emptis in mercato ſuper terram, nullo tempore anni.* A

[1] Here N. 2.

Et poſtmodum tempore Regis [2] Henrici Anno Regni ſui duodecimo ortis aliquibus contentionibus inter *homines* de *Jernemu*, & *Rogerum filium Oſberti cuſtodem Manerii de Luthinglond* de conſuetudinibus quas idem Rogerus cepit in portu prædicto *contra libertates* ipſorum hominum de Jernemu, idem Dominus Rex Anno Regni ſui prædicto volens certiorari quæ conſuetudines pertinuiſſent prædictis hominibus de Jernemu, & quæ Manerio ſuo de Luthinglond, *aſſignavit* Martinum de Pateſhull ad inquirendum ſuper præmiſſis. Et facta fuit inquiſitio apud Magnam Jernemu Anno Regis Henrici duodecimo, *Sacramento viginti quatuor de Comitátu Norfolciæ, & viginti quatuor de Comitatu Suffolciæ tam Militum* quam aliorum, per quam quidem inquiſitionem fuit compertum, quod omnia *magna mercimonia vendi deberent & diſcarcari apud Magnam Jernemu, & quod tota aqua ſpectabat ad Homines de Jernemu*, ſed quod *minuta mercimonia & victualia diſcarcari poterant verſus partes de Luthinglond, vel verſus Jernemu pro voluntate eadem adducentium*, prout in *Recordo habito* coram præfato Martino, & Sociis ſuis plenius apparet. Unde patet quod *Præſcriptio* omnium rerum venalium, quam Johannes de Britannia, Comes Richmond Homines & Tenentes ſui Villarum Parvæ Jernemu & Gorleſton penitus eſt interrupta. B C

[2] Viz. Tertii.

Poſtea vero prædicti Burgenſes percipientes quod per prædictam inquiſitionem fuerunt damnificati in hoc quod naves cum victualibus poterant diſcarcare verſus partes de Luthinglond, præcipue cum *ſeiſona piſcationis* fuit *potiſſimum* eorum *proficuum*; acceſſerunt ad prædictum Dominum Regem Henricum & obtinuerunt ab ipſo quod idem Rex Henricus Anno Regni ſui quadrageſimo prædicto Manerio de Luthinglond in manu ſua exiſtente per *Cartam* ſuam *conceſſit* iiſdem quod *omnia mercandiſæ & mercimonia* tam de *piſcibus* quam de aliis rebus, ad *portum* de *Jernemu* in navibus vel extra inventa per manus hujuſmodi Mercandorum deferentur apud magnam Jernemu, vendantur, &c. Quibus quidem libertatibus prædicti Burgenſes & Anteceſſores ſui uſi fuerunt pacifice. D E

Declaratio Cartæ Regis Henrici tertii ſuper libertatibus portus Magnæ Jernemu. F

SED poſtea quia videbatur præfatis Burgenſibus quod verba contenta in Carta Domini Regis Henrici prædicta nimis extiterant obſcura, acceſſerunt ad nobilem Regem Dominum Edwardum Avum Domini

Domini Regis nunc, & petierunt ſibi declarationem fieri de verbis antedictis, qui quidem Rex Edwardus Avus, &c. per aviſamentum magni Concilii ſui, prout patet in * memorandis de Scaccario ſuo anno Regni ſui triceſimo quarto, de Termino Sanctæ Trinitatis, non obſtante reclamatione Adæ Bacoun Clerici, Johannis Kybel, & Johannis de Belton miſſorum ibidem per homines de parva Jernemu & Gorliſton prædicto Manerio de Luthinglond in manu ipſius Regis
A Avi exiſtente, conceſſit etiam Burgenſibus & Succeſſoribus ſuis quod omnia mercandiſæ & mercimonia quæcunque fuerint ſive de piſcibus, ſeu de aliis rebus quibuſcunque, quæ infra dictum Portum dictæ Villæ noſtræ magnæ Jernemu in Navibus aut batellis ſeu alio modo adduci ſeu deferri contingeret, ut ibidem negotiaretur de eiſdem apud eandem Villam de magna Jernemu & non alibi infra portum prædictum diſcarcarentur, & Cauſam exprimit in eadem Carta, * *pro eo quod prædicta Villa ſua de magna Jernemu fuit* * *liber Burgus ſuus*, & per
B progenitores ſuos ſituata extitit ſuper portum ſuum prædictum, occaſione proficui de eodem portu ſuo provenientis, ad *melioracionem Villæ ſuæ* percipiendi, quibus quidem libertatibus iidem *Burgenſes* poſt confectionem ejuſdem Cartæ uſi fuerunt & gaviſi, eo quod omnia mercandiſæ & mercimonia infra portum prædictum adducta tam in Navibus *Hominum*, & *Tenentium* ipſius *Comitis* Villarum parvæ Jernemu & Gorleſton, quam in Navibus aliorum quorumcunque expoſita fuerunt venditioni, vendita & diſcarcata apud magnam Jer-
C nemu virtute Cartæ prædictæ, & juxta tenorem ejuſdem quod omnibus eſt publicum & notorium in partibus eidem Villæ magnæ Jernemu circumjacentibus.

Et Sciendum eſt, quod omnes *libertates* præfatis *Burgenſibus* conceſſæ per Cartas Regis ſuperius annotatas ſunt confirmatæ per Dominum Edwardum Patrem Regis nunc, & per Dominum *Regem* nunc; Et in confirmatione Patris Regis nunc, continetur, *quod licet Bur-*
D *genſes prædicti, vel eorum Succeſſores, aliqua vel aliquibus libertatum prædictarum hactenus uſi non fuerunt, eiſdem tamen gaudeant & utantur.*

* See this Record hereafter following, by the latter clauſe whereof it evidently appears what a free Burgh was.

* Note this reaſon.

Carta Regis Edwardi tertii de libertatibus Portus Magnæ Jernemu.

E

EDwardus Dei Gratia Rex Angliæ, Dominus Hyberniæ, & Dux Aquitaniæ, omnibus ad quos præſentes literæ pervenerint, Salutem. Sciatis quod cum celebris memoriæ Dominus Edwardus nuper Rex Avus noſter per Cartam ſuam quam Dominus Edwardus nuper Rex Angliæ Pater noſter per Cartam ſuam, & nos ſimiliter per Cartam noſtram confirmavimus, conceſſiſſe *Burgenſibus noſtris Villæ*
F *noſtræ magnæ Jernemu*, quod omnia mercandiſæ & mercimonia quæcunque ſint, ſive de piſcibus ſive de aliis rebus quibuſcunque quæ infra portum noſtrum dictæ Villæ noſtræ magnæ Jernemu in Navibus aut batellis ſeu alio modo adduci ſeu deferri contigerit; ut ibidem negotietur de eiſdem licite & aperte, apud eandem Villam de magna Jernemu & non alibi, in portum prædictum diſcarcentur, & per manus mercandiſas & mercimonia illa ducentium ſeu deferentium, & ea

ibidem vendere volentium, seu per manus servientium suorum venditioni exponantur, & ibidem quibus voluerint libere vendantur, & emantur, absque aliquo forstallamento, vel abrocamento, seu alio quovis impedimento. Ita quod nullus forstallarius, abrocator, vel alius quicunque obviam eat Mercatoribus cum piscibus, aut aliis mercandisis, & rebus venalibus versus prædictam Villam nostram venientibus, ad aliqua inde emenda, seu forstallamenta, vel abrocamenta in dicta Villa vel extra inde facienda *sub forisfactura rei emptæ*, A per quod dicti Burgenses, seu aliqui mercatores hujusmodi mercandisas & mercimonia ibidem ducentes super emptionibus & venditionibus suis apud eandem Villam nostram de magna Jernemu faciendis, *ad detrimentum ejusdem Villæ* aliqualiter impediantur, prout in Carta nostra plenius continetur. Ac inter Johannem de Britannis *Comitem* Richemond & Homines & Tenentes suos Villarum parvæ Jernemu & Gorleston ex parte una, & *communitatem* dictæ Villæ Magnæ Jernemu ex altera, occasione quorundam impedimentorum factorum per præfatos *Burgenses* colore dictæ Cartæ dicti Avi nostri (ut dicebatur) eisdem Hominibus & Tenentibus Villarum parvæ Jernemu & Gorleston de proficuis capiendis de carcatione & discarcatione navium venire volentium ad easdem Villas parvæ Jernemu & Gorleston, & de emptione & venditione rerum venalium, *Idem placitum in diversis Curiis nostris tam Parliamentis quam aliis habitum fuisset*, quod in placito illo inter easdem partes per nos & Concilium nostrum consideratum fuit B quod idem *Comes*, & Hæredes sui, nec non *Homines* & *Tenentes* dictarum Villarum parvæ Jernemu & Gorleston Hæredes & Successores sui proprias naves suas cum rebus & mercandisis in eisdem Navibus carcatis, seu de *allece*, seu de aliis *piscibus*, rebus, & mercandisis quibuscunque ad easdem Villas parvæ Jernemu & Gorleston carcare & discarcare, & res & mercandisas suas ibidem venditioni exponere, & alias commodum suum inde facere valeant, pro eorum libito voluntatis, solvendo inde ibidem *illis* quos nos vel hæredes C nostri ad hoc *deputabimus* custumas debitas & consuetas quadam sub missione quorundam hominum, & tenentium, dictarum Villarum parvæ Jernemu & Gorleston, & etiam quorundam *Burgensium* dictæ Villæ magnæ Jernemu, ad quosdam de consilio nostro ad * dictum negotium inter partes prædictas finaliter terminandum, nec non quadam ordinatione per ipsos de eodem Consilio inter easdem partes inde facta, seu prædicta Carta ipsius Avi nostri non obstante. Ita videlicet, quod eorum naves Laniis Coriis & pellibus lanutis suis, de quibus magnæ custumæ dari debent, in eodem portu in loco ubi * Thronus noster & * Sigillum nostrum quod dicitur Coket existunt, & non alibi carcentur. Et quod voluntas nostra & intentio nostra & ipsius Consilii nostri fuit, quod dicta Carta ipsius Avi nostri prædictis Burgensibus Villæ magnæ Jernemu, ut præmittitur, facta per istam considerationem, quoad alios in nullo sit restricta, sed quod locum suum habeant & effectum in omnibus, & gentes omnes, tam indigenas, quam alienigenas, præterquam eosdem Comitem, Homines, & Tenentes dictarum Villarum parvæ Jernemu & Gorleston, Hæredes & Successores suos in forma supradicta, *Salvo jure Civium Civitatum London, Norwici, Baronum de quinque portubus, & aliorum quorumcunque si quod habeant per Cartas de antiquiori data cartæ ipsius Avi nostri vel alio modo in hac parte.* Et quod dictum fuit & inhibitum per nos & dictum Consilium nostrum præfatis Comiti, Hominibus & Tenentibus dictarum Villarum parvæ Jernemu & Gorleston, *ne sub*

D

E

F

* See the next Record. N. 1. b.

* Our Beam, and the Seal called Cocquet.

gravi

gravi forisfactura noſtra ad eaſdem Villas parvæ Jernemu & Gorleſton naves aliorum attraherent quo vis modo, nec mercandiſas aliquas in Aquam portus prædicti cum aliquibus per prædictam Cartam dicti Avi noſtri reſtrictis exerceant, nec impedimentum aliquod faciant quo minus iidem Burgenſes dicta Carta ipſius Avi noſtri gentes alias ſicut prædictum eſt in omnibus ſuis articulis juxta vim & efficaciam ejuſdem uti valeant & exercere. Et quod dictum fuit & inhibitum
A tam præfatæ *Communitati* quam præfatis Hominibus & Tenentibus parvæ Jernemu & Gorleſton, ne quicquam contra conſiderationem dictam & inhibitionem prædictas attemptare præſumant ſub forisfactura ſupra dicta prout in Recordo & proceſſu inhibitis, & in Cancellaria noſtra reſidentibus plenius continetur. Nos ne præmiſſa quæ pro tranquillitate & quiete partium prædictarum & juſtitia manutenenda per nos & præfatum Conſilium noſtrum ſic conſiderata fuerunt, *futuris temporibus in dubium revocentur*, ea tenore præſentium duximus
B teſtificanda. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte me ipſo apud Wodeſtok, decimo die Julii Anno Regni noſtri Sexto.

Inter Recorda de Termino Sanctæ Trinitatis Anno
C ## *triceſimo quarto Edwardi primi Rot. vel. N.* 43.

MEmorandum quod congregatis in Scaccario Regis apud Weſtmonaſterium modo die Jovis in Vigilia Natalis Sancti Johannis Baptiſtæ venerabili Patre W. Coventrenſi & Lichfieldenſi Epiſcopo, Domino Regis Theſaurario, Willielmo de Hamelton
D Cancellario Angliæ R. le Brabazon Juſticiario ad placita coram Rege placitanda deputato, Baronibus de Scaccario, prædictis Juſticiariis de Banco, & quibuſdam aliis de Conſilio Regis prædicti ſuper quibuſdam negotiis Regis tranctantibus, venerunt coram eis Henricus Roſe, & Willielmus Faſtolft Burgenſes Villæ Regis magnæ Jernemuthæ, & ſupplicarunt pro ſe & aliis Burgenſibus Villæ prædictæ, quod cum per Cartam Domini Regis Henrici quondam Regis
E Angliæ progenitoris Regis nunc, quam ipſe Rex nunc confirmavit inter cætera contenta in Carta prædicta *conceſſum* fuit *Burgenſibus* de *Villa* de magna *Jernemutha*, quod omnia *mercandiſæ* & *mercimonia* tam de *piſcibus* quam de *aliis rebus* ad *portum* de *Jernemutha* venientia in Navibus vel extra, *libere & aperte per manus hujuſmodi mercimonia deferentium abſque alicujus impedimento vendantur & emantur*, ita tamen quod non ſint *abrocatores* in prædicta Villa de *Jernemutha*, per quos *venditores* vel *emptores* de *venditionibus* vel *emptionibus* ſuis
F *libere* faciendis *impediantur* ad detrimentum Villæ memoratæ, *quod ad majorem notificationem & expreſſionem præmiſſorum concedatur eis inde declaratio ſub hac forma* (*videlicet*) *quod mercandiſæ & mercimonia quæcunque, ſive ſint de piſcibus ſive de rebus aliis quibuſcunque, quæ infra portum Villæ prædictæ vel ad eandem Villam per terram vel per mare cauſa negotiandi ibidem, de eiſdem adduci ſeu deferri contigerit libere & aperte apud eandem Villam de magna Jernemutha per manus merchandiſas*

North. Suff. de hominibus de Jernemuth, & Luthinglond. N. 1. b.

mercandiſas & mercimonia illa ducentium, & ea ibidem vendere volentium, ſeu ſervientium ſuorum venditioni exponantur, & ibidem vendantur & emantur abſque aliquo forſtallamento vel abrocamento ſeu alio quovis impedimento, ita quod nullus forſtallarius, abrocator vel alius quicunque obviam eat mercatoribus cum piſcibus vel aliis mercandiſis aut aliis rebus venalibus per terram vel per aquam verſus dictam Villam venientibus ad aliqua inde emenda, vel forſtallamenta ſeu abrocamenta inde facienda ſub foriſfactura rei emptæ, per quod dicti Burgenſes *ſeu aliqui mercatores hujuſmodi mercandiſas & mercimonia ibidem ducentes ſuper emptionibus & venditionibus ad detrimentum Villæ prædictæ aliqualiter impediantur.* A

Et ſuper hoc obtulerunt ſe coram *Concilio prædicto Adam Bacon Clericus, Johannes Kybel* de *Gorleſton*, & *Johannes de Belton* de *Suth Jernemutha* quæ ſunt in *Ludinglond*, **Dicentes** & *proponentes* quod *dicta declaratio* ſi *conceſſa fuerit, multum cederet in præjudicium & perpetuam deterioracionem hominum Villarum earundem, quæ quidem Villæ ſitæ ſunt prope portum prædictum:* **Dicunt** *enim, quod ſemper retroactis temporibus naves ingredientes portum illum in ſeiſona piſcationis allecis diſcarcari ſolebant* pro *voluntate Magiſtrorum navium illarum, tam ad illas Villas quam ad magnam Jernemutham, (videlicet)* ad *quem locorum prædictorum illi quorum interſit vendere mercimonia in hujuſmodi Navibus carcata vellent exponere ea venditioni & ibidem vendi & emi abſque ullo impedimento*; & per *prædictam declarationem ſi conceſſa eſſet, in forma prædicta, attraherent Burgenſibus Magnæ Jernemuthæ toto tempore anni omnimodas naves cum quibuſcunque mercimoniis applicantes in portu prædicto ad eandem Villam, & non permitterent hujuſmodi naves alibi diſcarcare* nec *aliqua mercimonia in eiſdem navibus adducta alibi venditioni exponere, &c.* Unde **petierunt** pro *Statu* hominum Villarum prædictarum in *Ludinglond* quod *nulla conceſſio* fiat in hac parte in *læſionem* vel *derogationem conſuetudinum ſuarum pacifice hactenus obtentarum ſuper emptionibus & venditionibus faciendis* ad *eaſdem Villas, ut prædictum eſt, &c.* B C D

Et prædicti Henricus & Willielmus **dicunt**, magna *Jernemutha* eſt * **Liber Burgus** *Regis*, & *tenetur* de ipſo Rege *ad feodi firmam quinquaginta quinque librarum* per annum, eo quod non eſt aliquod * **certum** in Villa prædicta *ſpectans* ad firmam illam, unde *aliqua pars* inde exeat vel emergat, ſed quod ipſi Villæ ejuſdem ratione proficui quem habent & habere clamant, de rebus venalibus adductis ad portum prædictum vendendis ad eandem Villam, & pro aliis libertatibus quæ *ad liberum Burgum pertinent* & quas Rex Scilicet * *Avus Regis* nunc, & *Rex Henricus Pater Regis* nunc, *per cartas* ſuas *eis conceſſerunt*, & ipſe Rex nunc *per cartam ſuam confirmavit*, ſolverunt annuatim firmam ſupradictam, &c. Et oſtendunt *Cartam* Regis nunc de *confirmatione cartarum* prædictarum *Avi* ſui & *Patris ſui* quæ teſtatur magnam *Jernemutham* eſſe *liberum Burgum*, &c. Et *de Rege teneri ad feodi firmam, &c.* Et *plures* & *diverſas* libertates hominibus ejuſdem Villæ & eorum Hæredibus & Succeſſoribus eſſe conceſſas, inter quas ad plenum continetur quod ſuperius in principio hujus proceſſus de conceſſione Patris Regis nunc exprimitur, &c. Et petunt quod *explanatio* ſive *declaratio* quam petunt ſuper conceſſione illa concedatur, non *obſtante reclamatione* dictorum *Adæ, Johannis* & *Johannis* pro *hominibus* prædictis de *Ludinglond*, **præſertim** cum ipſi E F

non

* Note here what *Liber Burgus* a free Burgh was. To wit, a Town that had ſpecial Liberties granted by the Kings Charter.
* i. e. no Lands or certain Rents.
* King *John.*

non ostendant, nec **ostendere** poterunt quod **Villæ** de *Suth-Jernemutha* & de *Gorleston sint* **Burgi**, vel aliquam *libertatem* ad * *Liberum Burgum* pertinentem *habeant* per *Cartam* Regis, &c. Adjicientes, quod nisi *inhabitantes* Villas illas, qui ex **concessione** *Regia* **nullas** *habent* **libertates**, &c. *compellantur subtrahere & delere usurpationes & foristallamenta* quæ *faciunt* & indies facere nituntur contra *libertates magnæ Jernemuthæ*, &c. Attrahentes eis mercandisas & mercimonia quorumcunque adducta ad prædictum portum, & non permittentes mercimonia hujusmodi transduci seu transferri ad Villam magnæ Jernemuthæ ibidem venditioni exponenda & vendenda, ad quam Villam & non aliam *spectat portus prædictus* eadem in proximo penitus adnullabitur, *unde pro Rege & Statu Villæ suæ opportunum remedium petent eis adhiberi in hac parte*; & **habito** *inde* **tractatu** per *Concilium Regis* prædictum, *visaque* & *examinata* **Carta** Regis prædicta, &c. Et *quesito* etiam a præfatis *Ada*, *Johanne*, & *Johanne*, si **aliquam Cartam** Regis habeant de *aliquibus libertatibus concessis hominibus Villæ parvæ Jernemuthæ*, & *Gorleston*, & obtento quod non, **visum** est *concilio prædicto* quod per *verba expressa* in prædictis **Cartis** Regum *Johannis* & Henrici confirmatis per Regem nunc, &c. Et **per hoc** quod *prædicta Villa* de *magna Jernemutha* est * **Liber Burgus**, &c. quod omnia *mercimonia adducta* ad portum prædictum tum de *piscibus* quum de *aliis rebus* vendenda, &c. *Exponi debent venditioni* & *vendi ad Villam magnæ Jernemuthæ*, &c. & *non* ad *prædictas Villas* in *Ludinglond*, quæ non *sunt* **Burgi**, &c. Unde **dictum** est per dictum Concilium ex parte Domini Regis firmiter injunctum præfatis *Adæ*, *Johanni* & *Johanni* de *Belton*, quod ipsi *scire faciant hominibus* prædictarum *Villarum* in *Ludinglond* pro quibus *sequuntur* quod *nullus* eorum *præsumat attrahere* ad *suas partes* aliquas *naves applicantes* in *portu prædicto* cum aliquibus mercandisis seu mercimoniis vendendis, nec de hujusmodi mercandisis seu mercimoniis venditiones seu emptiones ibidem facere quoquo modo, quo minus mercandisæ & mercimonia illa libere & aperte absque impedimento seu aliquo foristallamento *transduci* possint ad prædictum *Burgum Regis Jernemutham*, & ibidem *prius exponi* venditioni & vendi *per manus illorum quorum mercandisæ & mercimonia illa fuerint* vel *Attornatorum* eorundem prout justum fuerit, & prout per *libertates hominibus* **Burgi** *prædicti* a *Domino Rege* & *Progenitoribus suis concessas* fieri debet, &c.

* Note here the same.

* Note again what *Liber Burgus* was.

By this Plea and Controversie in the Exchequer, between the *Burgh* of Great *Yarmouth*, and the Men of Little *Yarmouth* and *Gorleston* in *Lovinglond*, it appears, That *Prescription, seeing they were no Burghs, prevailed not to assert and make good a liberty of unlading Goods, and exposing them to Sale in those Towns, though it had been always done in foregoing times.* By the same it is also evident, that *Liberties* belonging to *free Burghs* were only to be *had* and *obtained* by the *Kings Charter*, and that where they were used without it, they were *esteemed* and *judged Usurpations*. Especially if *practised*, and *continued* to the *prejudice* and *damage* of a *free Burgh*.

Prescription not allowed, against the Liberties of free Burghs, &c.

Johannes

Cart. 9. Johannis, N. 20. Carta Burgensium de Gernemuth.

N. 2.

JOhannes Dei Gratia, &c. Sciatis non concessisse & præsenti Carta nostra confirmasse Burgensibus nostris de Gernemua quod habeant Burgum de Gernemua ad feodi firmam in perpetuum, & quod Burgus ille sit liber. Burgus imperpetuum; & habeant [a] Socam & [b] Sacam, [c] Tol & [d] Theam, & [e] Infangenethef & [f] Utfangenethef, & quod ipsi Burgenses per totam terram nostram, & per omnes portus maris sint quieti de [g] Theoloneo, [h] Lestagio, [i] Passagio, [k] Paagio, [l] Pontagio, [m] Stallagio, & de [n] Leve, & de [o] Denegeld, & omni alia consuetudine, salva libertate Civitatis London, & quod nullam sectam Comitatuum vel Hundredorum faciant de tenuris infra Burgum de Gernemua. Concessimus etiam eisdem Burgensibus, & hac *Carta* nostra confirmavimus quod nullus eorum placitet extra Burgum de Gernemua de nullo placito præter placita de tenuris exterioribus. Concessimus etiam eis quietanciam murdri infra Burgum de Gernemua, & quod nullus eorum faciat [p] Duellum, & quod de placitis

A B

Soca. [a] *Soca, Socna*, the place, *Territory*, or *Precinct*, wherein *Saca* or *Liberty* of Court was exercised, the *Circuit* of the *place* of the *Franchise*, or the *Liberty, Priviledge*, or *Franchise* itself.

Saca. [b] *Saca, Sacca, Saka, Sacna*, signifies a *Liberty* or *Power* granted by the King to *try* and *judge* causes, and of receiving the forfeitures arising from them, within the *Limit, Dominion*, or *Jurisdiction* of the Court. See more of these words in the Preface to my History, Fol. 61. C

Tol. [c] *Tol*, a word commonly known, being an *imposition* or *payment* for things bought and sold in Mercates.

Theam. [d] *Theam*, a *Privilege* to take and keep *Bondmen, Villans, Servants* and *Slaves*, with their *Generations* one after another, and *Posterities*, which in *Latin* are sometimes called *Secta*, sometimes *Sequela*, and to *dispose* of, and *sell* their *Children*, or *moveable*, or *immoveable goods* at pleasure.

Infangthef. [e] A *Liberty* granted to *try* and *judge* a Thief taken within the Jurisdiction of the *Burgh*. D

Utfangthef. [f] *Ut* or *Outfangenetheof*, a Liberty to take a *Thief* that fled, and bring him back to the Court, or Place, within which the fact was committed, and there to try and judge him.

Theloneum. [g] *Theoloneum*, the same with *Toll*.

Lestagium. [h] *Lestagium*, a *Liberty* for Men to carry their Goods up and down in *Fairs* and *Mercates*, where they please.

Passagium. [i] *Passagium*, Money paid by *Passengers* at *Bridges, Gates, &c.* which may be called *Gate-Toll, Bridge-Toll, &c.* E

Paagium. [k] *Paagium* any *Tribute* or *Payment* from the *French Word* pater, and ours *to pay*, or perhaps the same word with *Passagium* the double *S* being left out, yet the *word retained* by the *ignorance* of the *Scribe*.

Pontagium. [l] Pontagium, *Toll* paid for *Passage* over *Bridges*, with Horses, Carriages, *&c.* and *under them*, with *Boats, Ships, &c.*

Stallagium. [m] A *payment* for a *Stall*, or a *Right* to *have one* in *Fairs* or *Mercates*.

Leve. [n] *Leve, pro Leva, Tribute, Levies, Exaction, Collection*, a *Levare, Exigere, Tributum imponere*. F

Danegeld. [o] Danegeld, this was a *Tax* or Money paid, and *imposed*, and levied for *defence* of the *Nation* against the *Danes*, or rather an annual *Tribute* paid to them, that they might *abstain* from *Rapine, Burning* and *Slaughter*, See my History, Fol. 123. E. F.

Duellum, &c. [p] *De Duello inter forinsecum & Burgensem.* Leg. Burgor. Scot. c. 14. *Si quis forinsecus Burgensem de re aliqua appellaverit, non potest super Burgensem pugnare, sed Burgensis per legem Burgi se defendet.*

ad

ad Coronam pertinentibus se possint dirationare secundum legem & consuetudinem Oxon, & quod infra Burgum prædictum nemo capiat hospitium per vim, vel per liberationem Mareschallorum, & quod in Burgo illo in nullo placito sit Meskenninga, & quod Husting semel tantum in ebdomada teneatur. Concessimus etiam eis Gildam Mercatoriam, & quod terras, & tenuras, vadia sua, & debita sua, omnia juste habeant quicunque eis debeat, & de terris suis & tenuris
A quæ infra Burgum prædictum sunt rectum eis teneatur, secundum legem & consuetudinem Burgi Oxon, & de omnibus debitis suis quæ accommodata fuerint apud Gernemuam, & de vadiis ibidem factis placita apud Gernemuam teneantur. Et si quis in tota Anglia Theolonia vel consuetudines a Burgensibus de Gernemua ceperit, exceptâ, ut superius, dicta Civitate London, postquam ipse a recto defecerit, Præpositus de Gernemua Namium apud Gernemuam capiat. Insuper ad emendationem prædicti Burgi de Gernemua concessimus
B quod quinque Mercatores petierint Burgum de Gernemua cum Mercato suo de quocunque loco fuerint sive extranei, sive alii qui de pace nostra fuerint vel de licentia nostra in terram nostram venerint, veniant, morentur, & recedant, salvâ pace nostrâ reddendo rectas consuetudines illius Burgi. Prohibemus etiam ne quis prædictis Burgensibus injuriam vel dampnum vel molestiam inferat super forisfacturam decem librarum. Quare volumus & firmiter præcipimus
C quod prædicti Burgenses de Gernemua, & eorum hæredes habeant & teneant imperpetuum omnia prædicta hæreditarie, bene & in pace, liberè, quiete, integre, plenarie & honorificè reddendo inde annuatim quinquaginta & quinque libras numero, per manum Præpositi de Gernemua ad Scacarium nostrum ad Terminum Sancti Michaelis: & Burgenses de Gernemua facient Præpositos de se per annum qui sint idonei nobis & eis. Testibus Domino H. Wintonienſi, Domino J. Norwicenſi, S. Sarisberienſi Episcopis, G.
D Filio Petri, W. Mareſcallo, Comite Pembroke, W. fratre nostro, Comite Sarum, W. Comite de Ferrariis, Petro filio Herberti, W. Briwer, H. de Nevill, Adamo de Portu, Garino filio Geroldi, Willielmo de Cantilupo, Johanne de Basſing, Galfrido Lutterell, Thoma filio Adæ. Datum per manum H. de Well Archidiacono Wellenſi apud Merleberg decimo octavo die Martii, Anno Regni nostri nono.

E

F

1 Johannnis, N. 164. Carta Burgenſium de Dunewic. N. 3. a.

JOhannes Dei Gratia Rex Angliæ, Dominus Yberniæ, Dux Normanniæ, Aquitaniæ, Comes Andegaviæ, Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vice-Comitibus, Præpoſitis & omnibus Ballivis & fidelibus ſuis, Salutem. Sciatis nos conceſſiſſe & præſenti Carta confirmâſſe Burgenſibus noſtris Dunewici quod Burgum de Dunewic ſit liberum Burgum noſtrum, & habeat Socam, & Sacam, & Toll, & Theam, Infangenetheof, & quod A ipſi per totam terram noſtram ſint quieti de Theloneo, & Leſtagio, & Paſſagio, & Pontagio, & Stallagio, & de Leve, & de Danegeld, & de [a] Ewagio, & de [b] Wrec, & [c] Lagan, & de omnibus aliis conſuetudinibus, Salva libertate Civitatis London, & quod ipſi rectam & Solitam firmam ſuam per manum ſuam reddant ad Scaccarium noſtrum, & quod nullam Sectam faciant Comitatuum vel Hundredorum niſi coram Juſticiariis noſtris; Et cum ſummoniti fuerint eſſe coram Juſticiariis mittant pro ſe duodecim legales homines B de Burgo ſuo, qui ſint pro eis omnibus. Et ſi forte amerciari debuerint, per ſex probos homines de Burgo ſuo, & per ſex probos homines extra Burgum, amercientur. Conceſſimus etiam eis quod [*] filios & filias ſuas poſſint libere ubi voluerint in terra noſtra maritare, & viduas ſimiliter per conſilium amicorum ſuorum, & [*] perquiſitiones ſuas de terris & ædificiis in Villa ſua poſſint dare aut vendere, aut facere inde quod voluerint, & quando voluerint. Conceſſimus etiam eis [d] hanſam, & [e] Gildam Mercatoriam, ſicut habere C conſueverint. Quare volumus & firmiter præcipimus, quod prædicti Burgenſes noſtri prænominatas libertates & liberas conſuetunines habeant, & teneant liberè, pacifice, & integre ſine omni impedimento. Teſtibus Euſtachio Elyenſi Epiſcopo, Willielmo Mareſchallo, Comite de Pembroke, Johanne de Pratell, Ga.
Data per manum Huberti Cantuarienſis Archiepiſcopi, Cancellarii noſtri apud Rupem Aurmall Viceſimo nono Die Junii, Anno Regni noſtri primo. D

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[a] *Ewagium*, I know not what it means, unleſs it be here uſed for Aquagium, an Aquæ-Duct, or Water-Paſſage.

[b] *Wrec*, Goods thrown over-board, when the Ship is over-laden, or caſt away at Sea. Theſe belonged to the *Crown* in all places, and could not be injoyed but by ſpecial *Grant* or *Priviledge*.

[c] *Lagan*, from the old word *Liggen* or *Leggen*, Goods lying and found under Water, or E in the *bottom* of the Sea.

[*] Note; before they had the Kings *Licence*, the *Burgeſſes* could not *Marry* their *Sons* and *Daughters* to *whom*, and *where* they pleaſed, nor could *Widows Marry* themſelves, nor could the *Burgeſſes give* or *ſell* the *Lands* they purchaſed, without Licence, or before their Charter. And moſt probable it is, theſe were of the ſame *ſtate* and *condition* with the *Burgenſes Dominici*, in the Saxon times before the Conqueſt, who had the *King* or ſome other *Lords*, or great Men for their *Patrons*, and *Protectors*.

[d] *Hanſa*, from the German word *Hanſe*, which ſignifies a *Society*.

[e] *Gilda Mercatoria*, a *Trading Society*, a *Company* of *Buyers* and *Sellers*. The other F words are all interpreted in the *Charter* of *Yarmouth*.

Johannes

Cart. 7 Johan: m. 6. n. 45.

N. 3. b.

JOhannes Dei Gratia, &c. Sciatis quod remiſimus & perdonavimus Burgenſibus noſtris de Dunwico quadraginta libras in perpetuum de firma ſua quam nobis reddere ſolebant pro Villa de Dunwico, ſcilicet, de [a] ſexties viginti libris & viginti quatuor mille allecum & una Marca. Ita quod reddent nobis & hæredibus noſtris de cætero ſingulis annis quater viginti libras & viginti quatuor mille
A allecum & unam Marcam pro prædicta Villa de Dunwico tenenda in perpetuum ad feodi firmam. Quare, &c. quod prædicti Burgenſes noſtri & hæredes ſui quieti ſint in perpetuum a nobis & hæredibus noſtris de prædictis quadraginta libris de prædicta firma, ſicut prædictum eſt. Conceſſimus etiam eis & hac Carta noſtra confirmavimus quod non * namientur pro aliquo debito unde non fuerint vel plegii vel capitales debitores niſi ipſi ſuper hoc quieti in Juſticia exhibenda defecerint, & niſi in locis quibus libertatem & poteſtatem
B hujuſmodi namia capiendi conceſſimus. Teſtibus W. Comite Sarum, W. Comite Arundell, Willielmo Briwer, Hugone de Neville, Warino filio Geroldi, Thoma Baſſet. Data per manum Hugonis de Well Archidiaconi Wellenſis apud Freitmantell quinto die Novembris anno, &c. Septimo.

* Should not be diſtreined.

Dunwich *paid to the King* Three Hundred Marks *for to have their Liberties granted to them, in their Charter in the Firſt of King*
C John *beſides* Ten Falcons, *and Five* Girfalcons.

[1] Rot. oblat. 1 Johan. M. 19.

Dunewic [1] dat Domino Regi trecentas Marcas pro habendis Libertatibus ſuis ſecundum tenorem Cartarum ſuarum quas habebunt. Item dant pro eodem decem Oſterios, & quinque Girfalcones.

The Burgeſſes or Men of Dunewic *further gave the King an* Hundred
D Marks *of* Silver, *that they might have and enjoy their Charter of Liberties which was then detained, as may be ſuppoſed by what follows.*

[2] Ibid. M. 9.

Homines [2] de Dunewic dant Domino Regi centum Marcas Argenti ut Carta Domini Regis de libertatibus ſuis teneantur. Scilicet quinquaginta Marcas ad Paſcha, & quinquaginta Marcas ad Feſtum Sancti Michaelis.

E *The* Burgeſſes *of* Dunewich *gave more to the King* 200 *Marks and* 500 Eeles, *for having* Wrec *and* Lagan *inſerted* into, *or* Granted *by their Charter, and the* Charter *was* delivered *to* Geofry Fitz-Peter, *until proviſion was made for the* Security *of* 300 Marks *firſt promiſed, and* 100 Marks promiſed *the ſecond time.*

[3] Ibid. M. 1.

Burgenſes [3] de Dunewic dant Domino Regi ducentas Marcas & quinque mille Anguillarum pro habenda Wrec & Lagan in Carta ſua
F Cartam G. Fil. Petri ut provideatur de ſecuritate de trecentis Marcis primo promiſſis, & de centum Marcis ſecundo promiſſis.

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[a] Note, the great Fee-Farm Rent of this now poor Town, it was almoſt *twice* as *much* as any, and more than *twice* as *much* as moſt *Coaſt-Towns* in *Norff.* and *Suff.* then paid.

Cart. 51 H. 3. M. 10. N. B. by *Inſpeximus*. Note, there are in this Roll two M. 10.

N. 4.

HEnricus Dei gratia Rex Angliæ, &c. Archiepiſcopis, Epiſcopis, &c. Salutem. Inſpeximus Cartam quam bonæ memoriæ Henricus quondam Rex Angliæ Avus noſter fecit Burgenſibus Wallingfordiæ in hæc verba.

Henricus Dei gratia Rex Angliæ, & Dux Normanniæ & Aquitaniæ & Comes Andegaviæ Archiepiſcopis, &c. & fidelibus torius Angliæ & Normanniæ, Franciæ & Aquitaniæ, Salutem. Præcipio vobis ut *Burgenſes* mei de Wallingford firmam pacem meam habeant per totam terram meam Angliæ & Normanniæ ubicunque ſint; & ſciatis me dediſſe & conceſſiſſe eis imperpetuum libertates & leges ſuas omnes & conſuetudines bene & honorifice ſicut melius & honorabilius eas habuerunt [a] tempore Edwardi Regis & tempore Atavi mei Regis Willielmi, & ejus filii alterius Regis Willielmi & tempore Henrici Regis Avi mei, *ſcilicet*, Gildam Mercatoriam cum omnibus conſuetudinibus & legibus ſuis libere habeant, ne * Præpoſitus meus vel aliqua Juſticia mea de Gilda eorum ſe intromittat niſi proprie Aldermannus & Miniſter eorum. Et ſi Miniſtri mei vel aliqua Juſticia aliquo placito vel occaſione calumpniaverit illos, vel in cauſam ducere voluerit, prohibeo & præcipio ne ullo modo reſpondeant niſi illorum proprio portimoto. Et ſi ipſe Præpoſitus eos aliqua occaſione ſine calumpniatore implacitaverit non reſpondeant. Et ſi aliquo forisfacto vel recto judicio aliquis eorum forisfactus fuerit per rectam conſiderationem *Burgenſium* erga Præpoſitum illud emendet. Prohibeo etiam & præcipio ne aliquod Mercatum ſit in [b] Craumerſa, nec Mercator aliquis niſi ſit [c] Gilda Mercatoria, & ſi aliquis exierit de *Burgo* Wallingford, & vivat de Mercato ipſius Wallingford, præcipio ut rectum Gildæ Mercatoriæ faciat ipſis *Burgenſibus* ubicunque ſit infra *Burgum* vel extra. Sciatis præterea me dediſſe & conceſſiſſe imperpetuum omnibus hominibus Wallingford plenam quietanciam de annuo [d] Gablio meo quod ſolebant reddere de *Burgo* Wallingford, de eo, ſcilicet, quod ad me pertinet in *Burgo* has leges & conſuetudines, & libertates & quietancias omnes

A B C D E F

* Officer or Sheriff.

[a] *Modo ſunt in ipſo Burgo Conſuetudines omnes ut ante fuerunt*, This follows in a diſtinct Line by itſelf, immediately after what is written out of *Domeſday* Book further on. The word *Conſuetudines* here ſeems to ſignifie *Rents*, and the whole to ſound no more, than that the *Rents* of Houſes were not raiſed in that Burgh after the Conqueſt; or they might have the ſame other Cuſtoms, though they paid more for them, for the Farm of the Town was raiſed from 30 to 60 *l. per Annum*, *Domeſd.* f. 56. b. Col 1.

[b] *Craumerſa* is a Village or ſmall place over againſt *Wallingford Caſtle* or the Town, where there was an Anti-Caſtle or Fortreſs built, to reſtrain and keep in the Gariſon in that Caſtle in the time of King *Stephen*; this appears by the great Ditches and Trenches to be ſeen before the place where the great Caſtle-Gate was.

[c] At this time it was thought a great *Privilege* at leaſt, if not a *Livelyhood* to be a *Member* of a *Trading* or *Merchant-Gild*; and where-ever a *Burgeſs* dwelt, if he lived upon, or uſed the *Mercate* of *Wallingford*, he was to *perform* all *Duties* to the *Gild*, and be *judged according* to the *Rules* and *Laws* of it, whether he *lived* within a *Burgh*, or without. *Et ſi quis exierit de Burgo Wallingford, & vivat de Mercato ipſius Wallingford, præcipio ut rectum Gildæ Mercatoriæ faciat ipſis Burgenſibus, ubicunque ſit, infra Burgum, vel extra.*

[d] *In Burgo de Wallingford habuit Rex Edwardus octo virgatas Terræ, & in his erant 276 Hage reddentes undecim libras de Gablo, & qui ibi manebant faciebant Servitium Regis, cum Equis, vel per Aquam uſque ad Blidberiam, Reddinges, Sudtone, & Benſentone* (all Towns in *Berkshire*) *& hoc facientibus dabat Præpoſitus* (Burgi) *Conredium* (their Diet) *non de cenſu Regis ſed de ſuo*, Domeſd. f. 56. a. Col. 2. *Blubery*, *Reding*, *Sutton-Courtney* and *Beſirgton* all in *Berkshire*, upon or near the *Thames*, *above* and *below Wallingford*, and the ſervice here meant was *Water* and *Land* Carriage.

dono

dono eis, & concedo imperpetuum, & alias omnes quas poterunt oſtendere anteceſſores ſuos habuiſſe libere, quiete, & honorifice ſicut Cives mei Winton melius unquam habuerunt, & hoc pro Servitio & labore magno quem pro me ſuſtinuerunt in acquiſitione hæreditarii juris mei in Anglia. Concedo etiam eis quod ubicunque ierint in Mercationibus ſuis per totam terram meam Angliæ & Normanniæ, Aquitaniæ & Andegaviæ, *by* Gater *and by* Stronde, *by* Wode
A *and by* Londe, quieti ſint de Tolneto & Paſſagio & omnibus Conſuetudinibus & Exactionibus, ne ſuper hoc ab aliquo inquietentur ſuper forisfacturam decem librarum. Prohibeo etiam & præcipio ſuper eandem forisfacturam ne Præpoſitus Wallingford [*e*] Scotaliam faciat, & ne [*f*] Gereſumam ab aliquo quærat, & quod nullam conſuetudinem in Wallingfordia ſtatuat quæ noceat *Burgenſibus* Villæ hujus Donationis & Conceſſionis. Teſtes ſunt Thebaldus Archiepiſcopus Cantuarienſis & alii. Data apud Oxeneford primo Idus
B Januarii. Nos autem prædictas donationem & conceſſionem ratas habentes & gratas eas pro nobis & hæredibus noſtris, prædictis *Burgenſibus* & eorum Succeſſoribus concedimus & confirmavimus prout Carta prædicta rationabiliter teſtatur. Volumus etiam & concedimus pro nobis & hæredibus noſtris quod licet *Burgenſes* prædicti a principio turbationis dudum poſt Parliamentum habitum apud Oxon in Regno noſtro ſuſcitatæ, aliquo articulorum libertatum prædictarum minus plene hactenus uſi fuerint ipſi tamen & eorum Succeſſores
C nichilominus de cætero libere & ſine impedimento aliquo utantur libertatibus ante dictis ſicut prædictum eſt. His teſtibus Roberto Walraund, Roberto Aguyloun, Nicholao de Leukenore, Willielmo de Aete, Johanne de La Lynde, Petro de Neville, Radulpho de Bakepuz, Willielmo Belet, Bartholomæo Bigod, & aliis. Data per manum noſtram apud VVeſtmonaſterium duodecimo die Januarii, Anno Regni noſtri quinquageſimo primo.

D

[e] *Scotale* from *Scot*, a gathering or *ſhot*, and *Ale* in the known ſignification, *Scotales* were *abuſes* put upon the *Kings People* by his *Officers*, who *invited* them to *drink Ale*, and then made a *Collection*, to the end they ſhould not *vex* or *inform* againſt them, for the *Crimes* they had *committed* or ſhould *commit*. — *Scotale*, what it was.

[*f*] *Gereſumma*, or ſometime *Jereſumma*, is properly an *Income* or *Fine* paid for the *entrance* upon *ſome Place*, *Eſtate* or *Office*. Here it ſignifies plainly a *Bribe*, or *Money* given to the *Kings Officer* to *connive* at, and not to *proſecute* thoſe that *gave* it in *Criminal Caſes*. — *Gereſumma*, or *Jereſumma*.

E

This was a large Charter, *and was granted unto the Burgeſſes of* VVallingford *for the* good ſervice *they did King* Henry *the Second, and his Mother* Maud *the* Empreſs, *againſt King* Stephen.

F

Ricardus

Cart. 5 Ricardi 1.

N. 5.

RIcardus Dei Gratia Rex Angliæ, &c. Archiepiſcopis, Epiſcopis, &c. Salutem. Sciatis nos retinuiſſe in manum noſtram Burgum noſtrum de Porteſmue, cum omnibus ad eum pertinentibus, & in eo ſtabiliſſe & dediſſe & conceſſiſſe *Nundinas* duraturas ſemel in anno per *quindecem dies* ad vincula Sancti Petri, ſcilicet. Conceſſimus etiam quod omnes homines Angliæ, Normanniæ, Pictaviæ, Walliæ, Scotiæ & omnium terrarum noſtrarum, & aliarum veniant ad A
prædictas Nundinas, & eant & redeant bene & in pace, & habeant omnes quietancias & libertates quas habent ad Nundinas Winton, vel Hoiland, vel alibi in terram noſtram. Conceſſimus etiam quod *Burgenſes* noſtri in eodem *Burgo* habeant ſingulis Ebdomadis anni una die ſeptimanæ, ſcilicet die Jovis, Mercatum cum omnibus libertatibus & liberis conſuetudinibus quas cives noſtri Wintoniæ, vel Oxoniæ vel alii terrarum noſtrarum habent vel habere debeant. Conceſſimus etiam quod prædicta Villa de Porteſmue, & omnes *Burgenſes* B
noſtri in eâ, & de ea tenentes ſint quieti & liberi de Thelonio, & Pontagio, & Paſſagio, & * Pedagio, & Paagio, & Stallagio & Tallagio, & de Schiris, & Hundredis, & de Sectis Schirarum & Hundredorum & de ſummis, & auxiliis Vicecomitum & Servientium & de placitis & querelis omnibus, & de [a] *Blodwyta*, & de [b] *Sichwyta*, & de [c] *Leirewyta*, & de [d] *Wapentake*, & de *placito* Foreſtæ, & *Guardo*, & [e] *Reguardo* Foreſtæ, & de omnibus aliis ſecularibus exactionibus tam per mare quam per terram ubi- C
cunque venerint in totam terram noſtram. Quare volumus & firmiter præcipimus, quod prædicta Villa de Porteſmue, & Burgenſes noſtri in ea tenentes Manſiones ſuas & poſſeſſiones habeant & teneant, cum *Thol*, & *Theam*, & *Infangenetheof*, & *Utfangenetheof*, & cum omnibus libertatibus & liberis conſuetudinibus ita bene & in pace, libere & quiete ſicut Cives noſtri Wintoniæ, vel Oxoniæ, vel alii de terra noſtra melius habent & tenent. Et prohibemus ne ponantur in placitum de aliquo tenemento ejuſdem Villæ, niſi coram no- D
bis. Et prohibemus ne quis eos diſturbet in aliquo ſuper forisfactu-
* *i. e.* 10 Lib. ram * noſtram. His teſtibus, &c. Data per manum Willielmi de Longo Campo Elyenſis Epiſcopi Cancellarii noſtri apud Porteſmue. Secundo die Maii, Anno Regni noſtri quinto.

* *Pedagium* and *Paagium* are the ſame.

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[a] *Blodewyta*, a *Mulct* or *Amerciament* for drawing Blood. E

[b] *Sichwyte*, I know not what it is.

[c] *Leirwyte*, *Lairwyte*, *Legerwyte*, a *Mulct* upon him that *corrupted* a *Bondwoman*, or upon a *Bondman* for the *Fornication* of his Daughter.

[d] Free from *Suit* and *Service* to the *Wapentake Court*, as before from *Suit* and *Service* to the *County* or *Shire Court*, and Hundred Courts.

[e] *Regard*, &c. There were in the Kings Foreſts certain Officers called *Regardatores*, now called *Rangers*, who often viewed and went about the Foreſts, to ſee if any Wood was cut, Veniſon ſtoln, and other Treſpaſſes committed therein; which view or inſpection was called a *Regard*; as likewiſe was the *puniſhment* for ſuch Offences and Treſpaſſes. F

Johannes

Cart. 6 Johan. n. 15.

N. 6.

A JOhannes Dei gratia, &c. Sciatis nos conceſſiſſe hominibus de Andever quod habeant Gildam Mercatoriam in Andever & quod ſint quieti de Theloneo & Paſſagio & conſuetudine per totam terram noſtram ſicut Burgenſes Wintoniæ qui ſunt de Gilda Mercatorum ſunt quieti, & ſuper hoc nullus eos injuſte diſturbet pro conſuetudine ſuper decem librarum forisfactura, ſicut Cartæ Henrici Patris noſtri, & Ricardi Fratris noſtri quas inde habent rationabiliter teſtantur. Teſtibus R. Comite Ceſtriæ, Warino filio Geroldi, W. de Braoſa, Petro filio Herberti, Henrico Biſſet, Hugh de Laſcy, Petro de Stok. Data per manum J. de Well apud Radinge primo die Maii Anno Regni noſtri ſexto.

Cart. 2 Johan. p. 2. n. 132.

N. 7.

B JOhannes Dei gratia, &c. Sciatis nos dediſſe & conceſſiſſe & hac præſenti Carta noſtra confirmaſſe dilecto & fideli noſtro Williel-
mo Briwer quod *Bruge* Walteri ſit liberum *Burgum* & quod ibi ſit liberum Mercatum, & una feria ſingulis annis per octo dies duratura, ſcilicet, a die Nativitatis Beati Johannis in octo dies cum Theloneo, Paagio, Pontagio, Paſſagio, Leſtagio, Stallagio & cum omnibus aliis libertatibus & liberis conſuetudinibus ad liberum *Burgum* &
C ad Mercatum & Feriam pertinentibus. Conceſſimus etiam prædicto Willielmo quod prædicti *Burgenſes* ſui de prædicto *Burgo* ſint liberi *Burgenſes*, & ſint quieti de Theloneo, Paagio, Pontagio, Paſſagio, Leſtagio & Stallagio, & habeant omnes libertates, & liberas conſuetudines & quietancias quæ ad nos pertinent per totam terram noſtram, & per omnes portus terræ noſtræ, excepta Civitate London. Quare volumus & firmiter præcipimus quod prædictus Willielmus & hæredes ſui poſt ipſum habeant & teneant omnia prædicta bene, & in
D pace, libere & quiete, integre, plenarie, & honorifice cum omnibus libertatibus & liberis conſuetudinibus ſuis ſicut prædictum eſt. Teſtibus W. Mareſcallo Comite de Penbroc, R. Comite Ceſtriæ, Willielmo Comite Sarum, Willielmo de Rupibus Seneſchallo Andegaviæ, &c. Data per manus S. Wellens Archidiaconi Glouceſtriæ apud Turon viceſimo ſexto die Junii, Anno Regni noſtri ſecundo.

E

Cart. 2 Johan. n. 47.

N. 8.

F JOhannes Dei gratia, &c. Sciatis nos conceſſiſſe & præſenti Carta noſtra confirmaſſe, quod Burgus noſter de Helleſton ſit liber Burgus & quod Burgenſes noſtri de eadem Villa habeant Gildam Mercatoriam & quietanciam per totam terram noſtram de Theloneo, Pontagio, Paſſagio, Stallagio, Leſtagio & [*a*] Sollagio ſalvis in omnibus libertatibus Civitatis London. Concedimus etiam eis quod non placitent niſi infra Burgum ſuum de rebus vel tenuris pertinentibus ad villam ſuam præterquam de placitis ad Coronam noſtram pertinentibus & placitis de terris forinſecis. Volumus etiam quod

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[*a*] I know not the meaning of *Sollagium*, unleſs it be in ſtead of *Seldagium*, a Payment for ſtanding in a Shed.

habeant omnes alias libertates & liberas conſuetudines quas habuerunt Burgenſes noſtri de Caſtello de Lanceſton tempore Regis Henrici Patris noſtri. Ita quod nullus Burgenſium prædictorum [b] niſi reſidens fuerit in prædicta Villa de Halleſton has habebit libertates. His teſtibus W. Comite Sarum, W. Briwer, Roberto de Turnham, Roberto de Treſgos, Sim. de Pateſhul, Radulpho de Stok, Euſtachio de Faruberge. Data per manum S. Wellenſis Archidiaconi apud Craneburn decimo quinto die Aprilis, Anno Regni noſtri ſecundo. A

Rot. Cart. 5 Johan. n. 112.

N. 9.

JOhannes Dei Gratia, &c. Noveritis nos ad inſtantiam & petitionem venerabilis Patris noſtri Johannis Norwicenſis Epiſcopi Secundi, conceſſiſſe & hac præſenti Carta noſtra confirmaſſe quod Villa de Lenna ſit liber Burgus in perpetuum, & habeat omnes libertates & liberas conſuetudines quas [c] liberi Burgi habent, omnibus ſalvis ipſi Epiſcopo & Succeſſoribus ſuis, & Willielmo Comiti Arundell, & hæredibus ſuis libertatibus & conſuetudinibus quas ipſi in prædicta Villa antiquitus habuerunt. Quare volumus & firmiter præcipimus quod prædicta Villa de Lenna ſit liber Burgus in perpetuum & habeat omnes libertates & conſuetudines liberas quas liberi Burgi noſtri habent in omnibus bene & in pace, libere & quiete, & integre, plenarie & honorifice ſicut prædictum eſt. Teſtibus Domino Cantuarienſi Archiepiſcopo, W. London Epiſcopo, G. filio Petri Comite Eſſex, R. Comite Ceſtriæ, Gaufrido de Say, &c. Data per manum Summi Præpoſiti de Beverl, &c. apud Lamhe Viceſimo Septimo Die Januarii Anno Regni noſtri quinto. B C

Cart. 2 Johan. n. 19.

N. 10.

JOhannes Dei Gratia, &c. Sciatis non conceſſiſſe & hac præſenti Carta noſtra confirmaſſe hominibus de Hertlepole quod ſint liberi Burgenſes, & quod habeant eaſdem libertates & leges in Villa ſua de Hertlepole quos Burgenſes noſtri de Novo Caſtello ſuper Tinam habent in Villa ſua de Novo Caſtello. Quare volumus & firmiter præcipimus quod prædicti Burgenſes habeant & teneant prædictas libertates & leges bene, & in pace, libere, & quiete, & integre ſicut prædictum eſt. His Teſtibus Willielmo de Stutevill, Hugone Bard, Petro de Patell, Willielmo Briwer, Hugone de Neville, Roberto de Ros, Euſtachio de Veſcy, Petro de Bruis, &c. Data per manum S. Wellenſis Archidiaconi apud Dunelm. Octavo Die Februarii, Regni noſtri Anno Secundo. D E

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[b] Note here, if the Burgeſſes were not reſident in the Burgh, they were not to enjoy the Liberties of it.

[c] Note, from hence it appears there were a certain number of Liberties, which made a free Burgh, and they were no other than what were uſually granted by Charter to free Burghs, and ſuch as are ordinarily mentioned in theſe Charters. F

REX

Chuſ. 22. H. 6. m. 25. Dorſ. De Proclamatione facienda.

N. 11.

REX Majori & Vicecomitibus London, Salutem. Cum per Cartas Progenitorum noſtrorum quondam Regum Angliæ quas confirmavimus, conceſſum ſit Civibus noſtris Civitatis prædictæ quod Majorem & Aldermanos de ſe ipſis quos voluerint eligant & ipſos, nobis apud Weſtmonaſterium non exiſtentibus, Theſaurario & Baronibus noſtris de Scaccario præſentent, ut ibidem prout moris eſt admittantur; Ac jam intellexerimus quod quamquam hujuſmodi electiones per Majorem & Aldermannos nec non diſcretiores dictæ Civitatis ad hoc ſpecialiter ſummonitos & præmunitos temporibus retroactis fieri conſueverint, nonnulli tamen qui aliquod intereſſe in electionibus hujuſmodi non habent nec habere debent electionibus illis auſu temerario ſe ingerunt, immiſcent, & multociens electiones, quæ rite & pacifice fierent, ſuis validis clamoribus & importunis multipliciter impediunt & perturbant, ad intentionem quod tales eligerentur qui ſuis malefactis & erroribus poſtmodum favere poſſent, & ea ſub diſſimulatione dimittere impunita; quod ſi fieri permitteretur, in noſtri ac Coronæ & dignitatis noſtræ læſionem, necnon ſtatus Civitatis prædictæ ſubverſionem civiumque noſtrorum ibidem perturbationem & commotionem cederet manifeſte. Nos igitur quieti & tranquillitati populi nobis ſubjecti providere & congruum remedium in hac parte volentes adhibere, ut tenemur, vobis præcipimus firmiter injungentes, quod ante tempus electionis Majoris Civitatis prædictæ proximo faciendæ per totam Civitatem illam & libertatem ejuſdem ex parte noſtrâ publice proclamari & firmiter inhiberi faciatis, ne quis hujuſmodi electioni niſi qui de jure & ſecundum conſuetudinem Civitatis prædictæ intereſſe debeat, illi interſit, quovis modo nec ſe de electione illa quoquo quæſito colore intromittat, neque eam impediat, vel perturbet, ſed quod electio illa per Aldermannos & alios Cives diſcretiores & potentiores Civitatis prædictæ ad hoc ſpecialiter præmunitos & ſummonitos fiat & habeatur, prout ſecundum conſuetudinem ſupradictam fuerit facienda. Scientes pro certo, quod ſiquem alio modo quam ut præmittitur electum nobis vel Theſaurario & Baronibus de Scaccario præſentaveritis, illum nullatenus admittemus, & omnes illos quos contrarium proclamationis & inhibitionis prædictarum inveneritis facientes areſtetis, & eos priſonæ noſtræ committatus ibidem moraturos, quouſque pro eorum deliberatione duxerimus demandandum. Teſte Rege apud Weſtmonaſterium Septimo die Octobris.

Per Conſilium.

Retorn. Brev. Parl 34 Ed. 1. & Clauſ. 34 Ed. 1. m. 15. in Cedula.

N. 12.

EDwardus Dei Gratia Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ Vicecomiti Bedford & Buckingham, Salutem. Quia ordinavimus quod Edwardus filius noſter primogenitus in feſto Pentecoſtes proximo futuro, Deo propitio, cingulo Militiæ decoretur, per quod de jure Coronæ noſtræ in hujuſmodi caſu auxilium fieri nobis debet, tibi præcipimus quod de utroque Comitatu tuo duos Milites & de qualibet Civitate in Balliva tua duos Cives & de quolibet Burgo duos Burgenſes vel unum ſecundum quod Burgus fuerit major vel minor venire facias coram nobis & conſilio noſtro apud Weſtmonaſterium in Craſtino Sanctæ Trinitatis proximo futuræ ad tractandum

& ordinandum de auxilio nobis in caſu prædicto faciendo, & ad conſentiendum hiis quæ ordinabuntur in hac parte. Scire etiam facias Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, & aliis viris religioſis per totam Ballivam tuam quod per ſe vel ſufficientes procuratores vel attornatos ſuos tunc ſint ibidem ad tractandum & ordinandum ſimiliter de præmiſſis ac ad conſentiendum eiſdem prout ſuperius eſt expreſſum, & habeas ibi nomina Militum, Civium & Burgenſium prædictorum, & hoc Breve. Teſte Meipſo apud Wynton quinto die Aprilis, Anno Regni noſtri triceſimo quarto. A

Inter Communia Brevia de Terminis Sanctæ Trinitatis, Anno Regni Regis Ed. 1. 34 Rot. *vel* N. 40. *penes Remem. Regis in Scaccario.* B

Anglic. de auxilio Conceſſo ad Militiam Regis.

N. 13.

MEmorandum quod cum nuper Dominus Rex ordinaſſet quod Edwardus filius ſuus primogenitus in feſto Pentecoſtes, Anno Regni ſui triceſimo quarto Cingulo Militiæ decoraretur, Et Mandatum eſſet Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, C Comitibus, Baronibus, & aliis Magnatibus Regni quod eſſent coram ipſo Domino Rege & Concilio ſuo apud Weſtmonaſterium in Craſtino Sanctæ Trinitatis proximo ſequenti ad tractandum & ordinandum de auxilio Regis faciendo ad Militiam prædictam & ad conſentiendum hiis quæ ulterius ordinarentur in hac parte, vel quod procuratores aut attornatos ſuos ſufficienter inſtructos ad præmiſſa loco eorum facienda mitterent tunc ibidem.

D

Ac etiam præceptum fuiſſet ſingulis Vicecomitibus Angliæ, quod eorum quilibet venire faceret de Comitatu ſuo ad præfatos diem & locum duos Milites & de qualibet Civitate Ballivæ ſuæ duos Cives, & de quolibet Burgo ejuſdem Ballivæ ſuæ duos Burgenſes, vel unum, &c. ad tractandum, ordinandum & conſentiendum ſicut prædictum eſt.

Venerunt perſonaliter coram Rege & Concilio ſuo apud Weſtmo- E naſterium, ad diem illum Antonius Bek Patriarcha Jeroſolomitanus Epiſcopus Dunelmenſis, W. de Langeton Coventrenſis & Lichfieldenſis, Radulfus de Baldok London, Epiſcopi, H. de Lacy Comes Lincolniæ, J. de Warenna Comes Surriæ, R. de Monte Hermerii Comes Glouceſtriæ & Hertfordiæ, H. de Boun Comes Hereford iæ, G. de Bello Campo Comes Warrwici, Robertus filius Walteri, Hugo le Diſpenſer, Johannes de Haſtinges, Hugo de Veer, Willielmus Martyn, Henricus le Tyeys, F Johannes Lovel, Rogerus de Mortuomari, Johannes de Mohun, Alanus la Zouche, Willielmus de Leyburn, & Robertus de Burgherſh, Cuſtos Quinque Portuum cum quibuſdam Baronibus Portuum eorundem.

Ac

Ac etiam per Procuratores & Attornatos Robertus Cantuarienſis & Willielmus Eborum Archiepiſcopi, Thomas Exonienſis, Richardus Herefordenſis, Johannes Wintonienſis, Johannes Ciceſtrenſis, Thomas Roffenſis, Robertus Elyenſis, Johannes Norwicenſis, Johannes Lincolnienſis, Simon Sarum, Willielmus Wigornienſis, Walterus Bathonienſis & Wellenſis, & Johannes Karliolenſis Epiſcopi; Abbates
A Weſtmonaſterii, Sancti Edmundi, Sancti Auguſtini Cantuariæ, Sancti Albani, Glaſtoniæ, *Burgi* Sancti Petri, Rammeſeye, Thorneye, Seleby, & Malmesbury, Sancti Petri Glouceſtriæ; Rogerus Comes Norfolciæ & Mareſcallus Angliæ, Thomas Comes Lancaſtrenſis, Edmundus Comes Arundel, & quam plures alii Prælati, Magnates, & Proceres Regni, nec non de quolibet Comitatu Regni ejuſdem duo Milites, & de qualibet Civitate duo Cives & de quolibet *Burgo* duo *Burgenſes* electi per Communitates Comitatuum, Civitatum, & *Bur-*
B *gorum* eorundem ad præmiſſa, loco Communitatum eorundem, tractanda, ordinanda & conſentienda ſimiliter venerunt.

Quibus prædictis omnibus congregatis coram Concilio Regis prædicto ipſiſque oſtenſo per idem Concilium ex parte Regis quod de jure Coronæ Regiæ auxilium Domino Regi fieri debuit in caſu prædicto; Ac etiam quod expenſæ multiplices & alia quam plura onera eidem Domino Regi incumbent ad rebellionem & malitiam Ro-
C berti de Brus proditoris ipſius Domini Regis & ſibi in partibus Scotiæ adhærentium, qui adverſus ipſum Regem jam in illis partibus guerram movere præſumpſerunt, reprimendas.

Iidem Prælati, Comites, *Barones*, & alii Magnates, nec non Milites Comitatuum Tractatum ſuper hoc cum deliberatione habentes conſideranteſque auxilium deberi ut prædictum eſt, & quam plura onera Regi incumbere propter guerram prædictam, tandem unani-
D miter Domino Regi conceſſerunt pro ſe & tota Communitate Regni triceſimam partem omnium bonorum ſuorum temporalium mobilium, quæ ipſos habere continget in Feſto Sancti Michaelis proximo futuro, habendam pro auxilio eidem Domino Regi competente ad Militiam filii ſui prædicti, ac etiam in Auxilium Miſarum quas ipſe eſt facturus circa guerram prædictam; ita tamen quod iſta conceſſio ipſis vel eorum Succeſſoribus aut hæredibus futuris temporibus nullatenus cedat in præjudicium, nec in caſu hujuſmodi trahatur in ex-
E emplum, & quod in taxando bona prædicta excipiantur omnia quæ in taxatione Quintæ-Decimæ a Communitate Regni Domino Regi anno Regni ſui decimo octavo conceſſæ propter exilium Judæorum fuerunt excepta.

Cives quidem & *Burgenſes* Civitatum ac *Burgorum* ac cæteri de Dominicis Regis congregati & ſuper præmiſſis tractatum habentes conſideranteſque onera Domino Regi incumbentia ut præmittitur,
F eidem Domino Regi unanimiter conceſſerunt ob cauſas ſupradictas viceſimam partem bonorum ſuorum mobilium habendam ut prædictum eſt.

Memorandum quod ad craſtinum Sanctæ Trinitatis proximo præteritum Prælati & cæteri Magnates Regni pro ſe & tota Communitate ejuſdem Regni conceſſerunt Domino Regi Triceſimam bonorum

Inter Communia Brevia de Term. Sancti Mich. Anno 34 Ed. 1. penes Remem. Theſaurar. in Scaccario.

ſuorum omnium temporalium extra Civitates, *Burgos*, & Dominica Domini Regis; & Cives, & *Burgenſes*, & tenentes Dominicorum prædictorum, viceſimam bonorum ſuorum tam ad Militiam Edwardi filii Regis prædicti, quam ad ſubſidium defenſionis terræ Scotiæ contra Robertum de Brus, & ipſius Complices inimicos Regis, &c.

Retorn. Parl. 2 Hen. 5.

N. 14.

HÆc Indentura facta apud Ivelceſtre Die Lunæ 12 Die Novembris, Anno Regni Regis Henrici Quinti poſt Conqueſtum ſecundo inter Walterum Hungerford Militem Vicecom. Somerſet in pleno Comitatu eodem Die ibidem tento ex parte una, & Radulphum Hunt Majorem Civitatis Bathon. Johannem Skittiſh, Johannem Savage, & Johannem Haygoby Cives Civitatis prædictæ, qui de aſſenſu totius Communitatis Civitatis prædictæ, Eligerunt Ricardum Wydecombe, & Willielmum Radeſtoke Duos Cives pro Communitate Civitatis prædictæ, Eſſend. apud Weſtminſter ad Parliamentum Domini Regis tenendum Die Lunæ proximo poſt Octavas Sancti Martini proximo futuras, ſecundum formam Brevis Domini Regis quod eſt huic annex. eidem Vicecomiti inde Direct. & Johannem Herewode, Johannem Ruſſel, Walterum Dyere, & Lucam Wilton *Burgenſes Burgi* de Wells, qui in forma prædicta Eligerunt Thomam Dynt, & Johannem Hindon duos *Burgenſes Burgi* prædicti Eſſend. tunc ibidem pro Communitate *Burgi* prædicti ſecundum formam prædicti Brevis. Et Johannem Ward, Willielmum Goffe, Ricardum Ward, & Thomam Cave, *Burgenſes Burgi* de Bruggewater, qui in forma prædicta Eligerunt Willielmum Gaſcoigne, & Johannem Redwelly duos *Burgenſes Burgi* prædicti ſecundum formam dicti Brevis. Et Thomam Wiger, Walterum Portman, Edmundum Tailleur, & Johannem Northmore, *Burgenſes Burgi* de Taunton, qui in forma prædicta Eligerunt Johannem Merchant & Edmundum Dyere duos *Burgenſes Burgi* prædicti, Eſſend. tunc ibidem pro Communitate *Burgi* prædicti ſecundum formam prædicti Brevis, Dantes & Concedentes Civibus & *Burgenſibus* prædictis plenam & ſufficientem poteſtatem, pro ſe & Communitate Civitatis & *Burgorum* prædictorum ad faciendum & conſentiendum iis quæ tunc ibidem de Communi Conſilio ordinari contigerit ſuper negotiis inibi Tractandis. In cujus Rei Teſtimonium, &c.

Here were Returned to this Parlement Citiſens only for the City of Bath, *and three Burghs*, Wells, Bridgwater *and* Taunton *in the County of* Somerſet. *Three of the preſent Burghs being omitted*, Minehead, Milborn-Port *and* Ilcheſter, *notwithſtanding the County-Court was holden there, in which the Election was made.*

The words of the Indenture or Return for Dorſetſhire *for this Parlement are the ſame with the words of this*, (mutatis mutandis) *there being then the ſame Sheriff for both Counties.* Pool *and* Corf-Caſtle, *two only of the preſent Burghs, were omitted.*

*

Henricus

Breve & Retorn. Parl. 2 Hen. 5.

Wiltſhire.

N. 15.

HEnricus Dei gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ Vicecomiti Wilts, Salutem: Quia de aviſamento conſilii noſtri, pro quibuſdam arduis & urgentibus negotiis nos, ſtatum & defenſionem regni noſtri Angliæ ac Eccleſiæ Anglicanæ contingentibus, quoddam Parliamentum noſtrum apud Weſtmonaſt. die Lunæ
A proximo poſt Octavas *Sancti Martini* proximo futuras teneri ordinavimus, & ibidem cum Prælatis, Magnatibus & Proceribus dicti regni noſtri colloquium habere & tractatum: Tibi præcipimus firmiter injungentes, quod facta proclamatione in proximo Comitatu tuo poſt receptionem hujus Brevis, tenend. de die & loco prædictis, duos Milites gladiis cinctos, magis idoneos & diſcretos de Comitatu prædicto; & de qualibet Civitate Comitatus illius duos Cives; & de quolibet Burgo duos Burgenſes de diſcretioribus & magis ſufficien-
B tibus libere & indifferenter per illos qui Proclamationi hujuſmodi interfuerint, juxta formam ſtatuti inde editi & proviſi, eligi ac nomina eorundem Militum Civium & Burgenſium ſic eligendorum in quibuſdam Indenturis inter te & illos, qui hujuſmodi electioni interfuerint, inde conficiendis, licet hujuſmodi eligendi præſentes vel abſentes fuerint, inſeri eoſque ad dictos diem & locum venire facias. Ita quod iidem Milites plenam & ſufficientem poteſtatem pro ſe & Com-
C munitate Comitatus prædicti & *dicti Cives & Burgenſes pro ſe & Communitatibus Civitatum & Burgorum prædictorum diviſim ab ipſis habeant* ad faciend. & conſentiend. hiis, quæ tunc ibidem de communi conſilio dicti regni noſtri, favente domino, ordinari contigerit ſuper negociis antedictis. Ita quòd pro defectu poteſtatis hujuſmodi ſeu propter improvidam electionem Militum, Civium aut Burgenſium prædictorum dicta negocia infecta non remaneant quovis modo. Nolumus autem, quod tu ſeu aliquis alius Vicecomes
D regni noſtri prædicti aliqualiter ſit electus & electionem tuam in pleno Comitatu tuo factam diſtincte & aperte ſub ſigillo tuo & ſigillis eorum, qui electioni illi interfuerint, nobis in Cancellaria noſtra ad dictos diem & locum certifices indilatè, Remittens nobis alteram partem Indenturarum prædictarum præſentibus conſutam, unà cum hoc Brevi. Teſte meipſo apud Weſtmonaſt. Viceſimo ſexto die Septembris, Anno Regni noſtri ſecundo.

WROTEHAM.

E Dorſo. *Ego Elias de la Mare, Vicecomes, vobis ſignifico*, quod Breve iſtud in omnibus executus ſum ſecundum tenorem & effectum ejuſdem, *prout in altera parte Indenturarum inde confectarum & in quadam cedula huic Brevi conſutâ pleniùs continetur.*

F

Hæc

HÆc Indentura facta apud Wilton in pleno Comitatu Wilts, tento die Martis proximo ante feſtum Omnium Sanctorum, Anno Regni Regis Henrici quinti poſt Conqueſtum ſecundo inter Eliam de la Mare Vicecomitem Comitatus prædicti ex parte una, & Willielmum Danngens, Johannem atte Borwe, Willielmum Beſiles, Robertum Erle, Nicholaum Lye, Robertum Aſshelegh, Thomam Martyn, Johannem Wichford, Laur. Gowayn, Thomam Godefray, A
Johannem Brid, Johannem Benger, Johannem Byngham, Johannem Niweton, Henr. Stauley, Johannem Perham, Rogerum Alewyne, Johannem Hardy, Thomam Hat, Thomam Vellard, Johannem Billyndon; Rogerum Wodman, Johannem Coof, Thomam Shawe, Thomam Stabbere, Ricardum Hoke, Jacobum Hemyngby, Galfridum Cowebrigge, Willielmum Depeden, & Johannem Warham ex parte altera, teſtatur quod prædictus Willielmus Danngens & omnes alii ſuperius nominati ad diem & locum ſupradictos exiſtentes, B
& per prædictum Vicecomitem Virtute Brevis Domini Regis eidem Vicecomiti directi & huic Indenturæ conſuti ſingulariter examinati elegerunt Willielmum Eſturmy Chivaler, & Thomam Bonham Milites pro Communitate Comitatus prædicti, & ſimiliter elegerunt Walterum Shirle & Johannem Becket Cives pro Communitate Civitatis Novæ Sarum, Johannem Harleſton & Johannem Whithorn Burgenſes pro Communitate Burgi de Wilton, Willielmum Covyntre & Thomam Covyntre Burgenſes pro Communitate Burgi de Devyſes, C
Thomam Hiwey & Johannem Goore Burgenſes pro Communitate Burgi de Malmesbury, Johannem Brid & Thomam Hatheway Burgenſes pro Communitate Burgi de Marleborgh, Robertum Salman & Robertum Roude Burgenſes pro Communitate Burgi de Calne in Comitatu prædicto, ad omnia & ſingula juxta tenorem prædicti Brevis in Parliamento dicto Domini Regis apud Weſtmonaſt. die Lunæ proximo poſt Octavas Sancti Martini proximo futuras, aſſign. & ordinat. cum aliis communicand. tractand. faciend. ſimiliter & D
terminand. prout dictum Breve exigit & requirit. In cujus rei teſtimonium, uni parti iſtius Indenturæ penes prædictum Vicecomitem remanenti prædictus Willielmus & omnes alii ſuperius nominati ſigilla ſua appoſuerunt; Alteri vero parti ejuſdem Indenturæ penes prædictum Willielmum & omnes alios ſuperius nominatos reſidenti, prædictus Vicecomes ſigillum ſuum appoſuit. Dat. die, loco & anno ſupradictis. *

E

F

Nomina

Nomina Militum, Civium & Burgenſium Comitatus Wilts, Electorum ad Parliamentum Domini Regis apud Weſtmonaſt. die Lunæ proximo poſt Octavas Sancti Martini, Anno Regni Regis Henrici quinti poſt Conqueſtum ſecundo.

A

B

Wilts.

Manucaptores Willielmi Eſturmy Chivaler, unius Militum electi pro ſe & Communitate Comitatus prædicti ad Parliamentum prædictum. — *Petrus Braknal.* / *Willielmus Reymond.*

Manucaptores Thomæ Bonham alterius Militum electi ad Parliamentum prædictum. — *Johannes Denyas.* / *Johannes Cory.*

C

Civitas Novæ Sarum.

Manucaptores Walteri Shirle unius Civium Civitatis prædictæ electi ad Parliamentum prædictum. — *Johan. Durneford.* / *Johan. Coſcombe.*

Manucaptores Johannis Beckot alterius Civium ejuſdem Civitatis electi ad Parliamentum prædictum. — *Willielm. Donyng.* / *Willielmus Slegge.*

D

Wilton.

Manucaptores Johannis Harleſton unius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Johannes Perſhore.* / *Johannes Richman.*

Manucaptores Johannis Whithorn alterius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Ricardus Lamprey.* / *Johannes Digon.*

E

Devyſes.

Manucaptores Willielmi Covyntre unius Burgenſium ejuſdem Burgi electi ad Parliamentum prædictum. — *Johannes Pſhore.* / *Johannes Richman.*

Manucaptores Thomæ Covyntre alterius Burgenſium ejuſdem Burgi electi ad Parliamentum prædictum. — *Willielmus Neek.* / *Henricus Lamkyn.*

F

Malmeſbury.

Malmſbury.

Manucaptores Thomæ Hiwey unius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. } *Nicholaus Penpas: Willielmus Palmer.*

Manucaptores Johannis Goore alterius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. } *Ricardus Felice. Willielm. Robardes.* A

Marleborgh.

Manucaptores Johannis Brid unius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. } *Ricardus Heſham. Johannes Bide.*

Manucaptores Thomæ Hathewey alterius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. } *Johann. Shirwode. Willielmus Warner.* B

Calne.

Manucaptores Roberti Salman unius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. } *Robertus Grene. Robertus Lary.*

Manucaptores Roberti Roude alterius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. } *Willielmus Stokke. Johannes Domel.* C

The Sheriff, notwithſtanding he ſays in that part of the Return before the Indenture, That he had in all things executed the Writ according to the Tenor and Effect thereof, yet returned only two Citiſens for New Sarum, *and Burgeſſes for only five Burghs; having omitted nine of the preſent Burghs,* viz. Downton, Hindon, Weſtbury, Heitsbury, Chippenham, Crickelade, Bedwin, Lutgerſhal, Old Sarum, *and* Wootton-Baſſet; *And the Citiſens and Burgeſſes ſent to this Parlement were choſen by the ſame Perſons, that choſe the Knights of the Shire.* D

Retorn. Parl. 2 Hen. 5.

The Return for Devonſhire *for the ſame Parlement was without Indenture, only the Names of the Knights, Citiſens and Burgeſſes, with their Manucaptors or Sureties, were returned. And that two Citiſens only for* Exon, *and Burgeſſes for five Burghs,* Plympton, Tottones, Tavyſtok, Barnſtaple, *and* Dertmouth; *And then the Return is cloſed with theſe words,* Et non ſunt plures Civitates, ſeu Burgi infra Comitatum prædictum. *The Sheriff having omitted ſix of the preſent Burghs,* viz. Plymouth, Okehampton, Honiton, Aſhburton, Beralſton, *and* Tiverton. E

F

REX

REx universis & singulis Vicecomitibus, Majoribus, Ballivis, Constabulariis, Ministris & aliis fidelibus suis tam infra libertates quàm extra ad quos, &c. Salutem. Sciatis, quòd cùm secundum consuetudinem in regno nostro Angliæ hactenus obtentam & approbatam, homines de antiquo dominico Coronæ Angliæ quieti sint & esse debeant a præstatione Theolonei per totum regnum Angliæ. Vobis mandamus, quòd homines de Manerio de Aisbertone, quod de antiquo Dominico Coronæ Angliæ existit, sicut per quandam Certificationem per Thesaurarium & Camerarios Domini Ricardi nuper Regis Angliæ secundi post conquestum in Cancellariam suam de Mandato ipsius nuper Regis missam, & in filaciis Cancellariæ ejusdem nuper Regis residentem plenè liquet, de hujusmodi præstatione Theolonei vobis præstanda quietos esse permittatis, juxta consuetudinem supradictam. In cujus, &c. Teste Rege apud Westmonast. vicesimo sexto die Aprilis.

Pat. 3 H. 4. p. 2. M. 23.

N. 16.

Note this then a Town in Antient Demeasn, and no Burgh, yet in 26 E. 1. *and* 8 Hen. 5. *it sent Members to Parlement.*

London. by *Inspeximus, Tempore Hen.* 1. *Hen.* 2. *Ric.* 1.

REx omnibus ad quos, &c. salutem. Inspeximus tenorem Cartæ Domini * Henrici quondam Regis Angliæ Progenitoris nostri factam in hæc verba. Henricus Dei gratia Rex Angliæ Archiepiscopo Cantuarienſi, & Episcopis, & Abbatibus, & Comitibus, & Baronibus, & Justiciariis, & Vicecomitibus & omnibus fidelibus suis Francis & Anglicis totius Angliæ, Salutem. Sciatis me concessisse Civibus meis Londoniæ *Tenendum* Middlesexiam ad firmam pro trecentis libris ad computum ipsis & hæredibus suis de me & hæredibus meis. Ita quod ipsi Cives *ponent* Vicecomitem qualem voluerint de seipsis & Justiciarium quemcunque vel qualem voluerint de seipsis ad custodienda placita Coronæ meæ, & ad eadem placitanda, & nullus alius erit Justiciarius super ipsos homines Londoniæ, & Cives non placitabunt extra muros Civitatis pro ullo placito, & sint quieti de [a] *Schot*, & de [b] *Loth*, & de [c] *Danegeld*, & de [d] *Murdro* & nullus eorum faciat bellum, & siquis Civium de placitis Coronæ implacitatus fuerit per [e] *Sacramentum* quod judica-

Pat. 2 E. 4. p. 5. M. 23. * Hen. 1.

N. 17.

[e] Shall purge himself by Oath.

[a] [b] *Scot* and *Lot*, Publick Impositions or Contribution.

Scot and *Lot* what?

[c] *Danegeld*. See Notes upon the Charter of *Yarmouth*.

Danegeld what?

[d] *Murdrum*, signifies not only the Crime, but the Mulct or Pecuniary Punishment for that Crime. So that to be free from Murder, was, that the place where the Murder was committed, and the Murtherer fled, should not be Fined or Amercied for not producing of him. See *Leg. Ed. Conf. c.* 15. *Gul.* 1. *c.* 26. 46 *Hen.* 1. *c.* 91.

Murder what?

tum fuerit in Civitate ſe *diſrationet homo* London, & infra muros Civitatis nullus [*f*] hoſpitetur, neque de mea familia neque de alia vi alicui hoſpitium liberatur. Et omnes homines Londoniæ ſint quieti & liberi, & omnes eorum res per totam Angliam & per portus maris de Theoloneo & Paſſagio & Leſtagio & omnibus aliis conſuetudinibus, & Eccleſiæ & Barones [*g*] & Cives habeant & teneant bene & in pace [*h*] Socas ſuas cum omnibus conſuetudinibus. Ita quod hoſpites qui in Sokis hoſpitabuntur nulli dent conſuetudines, niſi illi cujus [*i*] Soka fuerit vel miniſtro ſuo quem ibi poſuerit, & Homo Londoniæ non judicetur in miſericordia pecuniæ niſi ad ſa [*k*] *Were*, ſcilicet ad centum Solidos, dico de placito quod ad pecuniam pertineat, & amplius non ſit [*l*] Meskenninge in [*m*] Huſtengo neque in [*n*] Folkeſmot, neque in aliis placitis infra Civi-

A

B

No Stranger to be lodged in the City of *London*, &c.

[*f*] No Stranger in theſe times was lodged, or had his abode in the City, unleſs placed by the Kings Marſhal, or by the Guardian, or Alderman of the Ward or Liberty, and for his being ſo lodged or placed, he gave to him or his Servant Cuſtom, *i. e.* Money, as below.

Barons of *London*.

[*g*] Barons. The Citiſens or Men of *London*, who for the Dignity of the City, and Antient Liberties of the Citiſens, were wont to be called Barons. *Quos propter Civitatis Dignitatem, & Civium antiquam Libertatem Barones conſuevimus appellare*; *Paris* in *A. D.* 1253. The ſame Author in *A. D.* 1258. *Londinum deſtinati convocaverunt totius Civitatis Cives, quos Barones vocant*, being ſent to *London* they called together the *Citiſens* of the whole *City*, which they call *Barons*. But for the latter part of the Reaſon which the *Monk* gives, *why* they were *called Barons*, it was only his Fancy: For *Baron* was a *Norman* or *French* word, and came in uſe here after the Conqueſt; ſo that the Citiſens could not have that Appellation for any antient Liberties they enjoyed, for it was then but 187 years ſince the Conqueſt, which was not time enough to make them Antient, according to the meaning of the word in ſuch Caſes. And further, the *Citiſens* of *York* and *Cheſter*, the *Burgeſſes* of *Warwick*, and of other famous *Cities* and *Towns* that were *Endowed* with *large* and *Royal Privileges*, were called *Barons*, yet the *Citiſens* or *Burgeſſes*, or *Inhabitants* of any of theſe, or other places, were not ſo termed in *Domeſday-Book*, nor had they then any *extraordinary Liberties*: Therefore ſince the making of that *Book* they muſt have that *Title*, and that for the great *Privileges* and *Immunities* granted by the King, and not otherwiſe; perhaps for ſome ſignal Service done him, as Sir *Henry Spelman* * truly informs us. But the word *Barones* in this Charter ſeems to mean the better ſort of Citiſens, that is, the *Guardians* or *Aldermen* of the *Wards*; for the words are, *Et Barones, & Cives*, which put a *Diſtinction* between the *greater* and *ordinary* Citiſens. Nor was this Appellation uſed here in *England* only, for the *Citiſens* of *Orleans*, and *Bourges* in *France*, are ſo called.

C

Paris miſtaken in his Reaſon, why *Londoners* were called *Barons*.

The Citiſens and Inhabitants of *York*, *Cheſter* and *Warwick* were called Barons.

* *In verbo.*

What the Barons of *London* were.

The Citiſens of *Orleans* and *Bourges* in *France* were called Barons.

D

[*h*] Their *Liberties* or *Wards*, with all Cuſtoms or Payments.

[*i*] Except to the *Guardian*, or as now, the *Alderman* of the *Ward*, or his Servant.

The price of a Citiſens Life.

[*k*] A Citiſen of *London* ſhall not be Amerced beyond his *Were*, that is, the *price* of his *Head*, or *Life*, which was 100 Shillings.

E

Miskenninge what?

* Col. 957. n. 10.

[*l*] *Meskenninge* from the Saxon Cenninge or Cennan, *citare*, *vocare*, and *mis*, or in French *mes*, *male*. So *Miskenninge* was, when one Man falſly or unduly proſecuted another, or as * *Brompton* hath it, *Myskenning*, i. e. *Variatio loquelæ in Curiâ*, a Variation of the *Plea* in Court; that is, when a Man *changes* and *leaves* his firſt *Plea*, and takes up another.

Huſtengs what?

[*m*] *Huſtengus* or *Huſtengum*, either from Hus a Houſe, and Ting, or Thing *Cauſa*, a *Houſe* where *Cauſes* were tryed. Or from the Saxon word Hyhſt, or Hyhſta, *Supremum*, Higheſt, and Thing, *Judicium*, a Court or Judgment according to Mr. *Somner*; ſo that *Huſting* ſignifies in this ſenſe the *Supreme Court* of the City of *London*, as in truth it is. But the Name was not *appropriated* to the *Chief Court* in *London* only, for *Wincheſter*, *Lincoln*, *York*, the *Five-Ports*, and the *Iſle* of *Shipwey* have their *Huſtings*.

F

Huſtengs not appropriated to *London*.

Folkmot what?

[*n*] *Folkeſmot*, from Folc, People, or as they are often called *Folke*, and Mote, a *Meeting* or *Convention*. A *Convention* and *Court* of the *People*, which in *Shires* and *Counties* was, and now is, the *Sheriffs Turn*, and in *Cities* and *Burghs* may be called the *Burgh-Mote*, or *Sheriffs Court*.

tatem,

tatem, & Huſtengum ſedeat ſemel in Ebdomada, videlicet, die Lunæ, & terras & [o] vadimonia & debita Civibus meis habere faciam infra Civitatem & extra, & de terris de quibus ad me clamaverint rectum eis tenebo lege Civitatis. Et ſiquis theoloneum vel conſuetudinem a Civibus meis Londoniæ ceperit, Cives Londoniæ capiant de Burgo vel de Villa ubi theoloneum vel conſuetudo capta fuerint quantum homo Londoniæ pro theoloneo dedit, & proinde de
A dampno receperit, & omnes debitores qui Civibus London debita debent eis reddant in Londonia vel in Londoniâ ſe diſrationent quod non debent, quod ſi reddere noluerint, neque quod non debent ad diſrationandum venire, tunc Cives Londoniæ quibus debita ſua debentur capiant namia ſua in Civitate London de Burgo vel Villa vel de Comitatu in quo manet qui debitum debet. Et Cives Londoniæ habeant [p] fugationes ſuas ad fugandum ſicut melius & plenius
B habuerunt Anteceſſores eorum, ſcilicet, in Chiltre & Middleſexe & Surreie. Teſtibus Epiſcopo Wintonienſi, & Roberto filio Richier & Hugone Bigot & Alnero de Toteneis & Willielmo de alba Spina & Huberto Regis Camerario & Willielmo de Mountfichet & Haugulfo de Taney & Johanne Bellet & Roberto filio Siwardi apud Weſtmonaſterium.

[o] Pawns.

[p] Their Huntings.

There is the ſame Charter by Inſpeximus *in* 1 Hen. 4. 25 Maii.

C INſpeximus inſuper cartam Domini Henrici Secundi quondam Regis Angliæ Progenitoris noſtri factam in hæc verba. Henricus Rex Angliæ, & *Dux Normanniæ & Aquitaniæ & Comes Andegaviæ* Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris & omnibus fidelibus ſuis Francis & Anglis totius Angliæ, Salutem. Sciatis me conceſſiſſe Civibus meis Londoniæ quod nullus eorum placitet extra muros Civitatis
D Lundoniæ de ullo placito præter placita de tenuris exterioribus (exceptis [a] Monetariis & Miniſtris meis.) Conceſſi etiam eis quietanciam Murdri infra urbem & in * [b] Portſoka, & quod nullus eorum faciat duellum, & quod de placitis ad Coronam pertinentibus ſe poſſint [c] diſrationare ſecundum antiquam conſuetudinem Civitatis prædictæ, & quod infra muros Civitatis nemo capiat hoſpitium per vim vel per liberationem Mareſcalli. Hoc etiam eis conceſſi, quod
E omnes Cives Lundoniæ ſint quieti de Theoloneo & Leſtagio per totam Angliam & per portus maris, & quod nullus de [d] miſericordia pecuniæ judicetur niſi ſecundum legem Civitatis quam habuerunt tempore Regis Henrici Avi mei, & quod in Civitate in nullo placito ſit Meskenninga, & quod Huſtingum ſemel tantum in ebdomada teneatur, & quod terras ſuas & tenuras & vadimonia & omnia debita juſte habeant quicunque eis debeat. Et de terris ſuis & tenuris quæ infra urbem ſunt rectum eis teneatur ſecundum conſuetudinem Civi-
F tatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Londoniam, & de vadimoniis ibidem factis *placita* apud Lundoniam teneantur. Et ſi quis in tota Anglia Theoloneum vel conſuetudinem ab hominibus Lundoniæ ceperit, poſtquam ipſe a recto defecerit, Vicecomes Lundoniæ *Namium* inde apud Lundoniam capiat. Concedo

Hen. 2.

[a] Which were reſerved to his own Court.

* See Notes on this Charter.

[c] Vide Cart. Hen. 1.

[d] Vide Cart. Hen. 1.

[b] Portſoka, the *extent* of their *Juriſdiction* or *Liberty* from the Gates of the City.

Portſoka, what?

etiam eis,quod habeant fugationes ſuas ubicunque eas habuerunt tempore Regis Henrici Avi mei. Inſuper etiam ad emendationem Civitatis eis conceſſi quod omnes ſint quieti de [e] Bridtol, & de [f] Childwite, & de [g] Jereſgieue, & de [h] Scotale, ita quod Vicecomes noſter Lundoniæ vel aliquis alius Ballivus Scotale non faciat. Has prædictas conſuetudines eis concedo, & omnes alias libertates & liberas conſuetudines quas habuerunt tempore Regis Henrici Avi mei quando meliores vel liberiores habuerunt. Quare volo & firmiter præcipio,quod ipſi & hæredes eorum hæc omnia prædicta hæreditarie habeant & teneant de me & de meis hæredibus. Teſtibus T Archiepiſcopo Cantuarienſi R Epiſcopo Londinenſi Ph Epiſcopo Baiocenſi, Ern Epiſcopo Lexovienſi, T Cancellario, R de novo Burgo R de Sancto Walrico R de Warenna Walth Maminot Ricardo de Lucy Guar, filio Geroldi Ma Biſet Loc de Ballolio, apud Weſtmonaſterium.

Ric. 1. INſpeximus etiam Cartam Domini Ricardi primi quondam Regis Angliæ Progenitoris noſtri factam in hæc verba. Ricardus Dei Gratia *Rex* Angliæ, *Dux Normanniæ*, *Aquitaniæ*, *Comes Andegaviæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris, & omnibus fidelibus ſuis Francis & Anglis totius Angliæ, Salutem. Sciatis nos conceſſiſſe Civibus noſtris Londoniæ, quod nullus eorum placitet extra muros Civitatis Londoniæ de ullo placito præter placita de tenuris exterioribus (exceptis Monetariis & Miniſtris noſtris.) Conceſſimus etiam eis quietanciam Murdri infra urbem & in Portſoka, & quod nullus eorum faciat duellum, & quod de placitis ad Coronam pertinentibus ſe poſſint * diſrationare ſecundum antiquam conſuetudinem Civitatis, & quod infra muros Civitatis nemo capiat hoſpitium per vim vel per liberationem Mareſcalli. Hoc etiam eis conceſſimus quod omnes Cives Londoniæ ſint quieti de Theloneo & Leſtagio per totam Angliam & per portus maris, & quod nullus de miſericordia pecuniæ judicetur niſi ſecundum legem Civitatis quam habuerunt tempore Regis Henrici Avi Henrici Patris noſtri. Et quod in Civitate in nullo placito ſit Weskenninga, & Huſtingum ſemel tantum in ebdomada teneatur, & quod terras ſuas & tenuras, & vadimonia & debita omnia juſte habeant quicunque eis debeat, & de terris ſuis & tenuris quæ infra urbem ſunt rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Londoniam teneantur. Et ſiquis in tota Anglia Theoloneum vel conſuetudinem ab hominibus Londoniæ ceperit poſtquam ipſe a recto defecerit, Vicecomes Londoniæ *namium* inde apud Londoniam capiat. Concedimus etiam eis quod habeant fugationes ſuas ubicunque eas habuerunt tempore Regis Henrici Avi Henrici Patris noſtri. Inſuper etiam ad emen-

* Vid. Chartam. Hen. 1.

Bridtol. *Childwite* and *Leirwite* what?
Jereſgieue or *Gereſgieue* what?
Scotale what?

[e] Bridtol, that is, *Bridge-Toll*, Money paid for paſſing over a Bridge.

[f] The ſame with Leirwite, Money paid, or a puniſhment for corrupting a *Bond-Maid*.

[g] *Jereſgieue*, or *Gereſgieue*, the ſame that *Gereſuma*, a Bribe or Reward given to the Kings or other Officers, for Connivence, and being favourable in their Office.

[h] Scotale, See the notes upon *Walingford* Charter, Letter [a].

dationem

datione Civitatis eis conceſſimus, quod omnes ſint quieti de Bridtol, & de Childwite, & de Jereſgieue, & de Scotale, ita quod Vicecomes noſter Londoniæ vel aliquis alius Ballivus Scothale non faciat. Has prædictas conſuetudines eis concedimus & omnes alias libertates & liberas conſuetudines quas habuerunt tempore Regis Henrici Avi Henrici Patris noſtri quando meliores vel liberiores habuerunt. Quare volumus & firmiter præcipimus, quod ipſi & hæredes eorum hæc omnia
A prædicta hæreditarie habeant & teneant de nobis & hæredibus noſtris. Teſtibus Huberto Cantuarienſi Archiepiſcopo, Ricardo Londinenſi, Hugone Dunelmenſi, Gileberto Roffenſi, Hugone Lincolnienſi Epiſcopis, Ran Comite Ceſtriæ, Ricardo Comite de Clare, Willielmo Mareſcallo, Rogero Bigot, Gaufrido filio Petri, Hugone Bardolfe, Willielmo Briewer, Willielmo de Warenna. Data per manum Willielmi Elienſis Epiſcopi Cancellarii noſtri apud Wintoniam Viceſimo ſecundo die Aprilis, Anno Regni noſtri quinto.

B

INſpeximus inſuper quandam aliam cartam ejuſdem Domini Regis Progenitoris noſtri factam in hæc verba. *Ricardus* Dei Gratia *Rex* Angliæ, *Dux Normanniæ*, *Aquitanniæ*, & *Comes Andegaviæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Seneſcallis, Caſtellanis, Conſtabulariis, Ballivis, Miniſtris & omnibus fidelibus ſuis, Salutem. Noverit *Univerſitas*
C veſtra nos pro Salute animæ noſtræ & pro Salute animæ Henrici Regis Patris noſtri, & animarum anteceſſorum noſtrorum, necnon & pro communi utilitate Civitatis noſtræ Londoniæ, & totius Regni noſtri conceſſiſſe, & firmiter præcepiſſe, ut omnes Kidelli qui ſunt in Thamiſia amoveantur ubicunque fuerint in Tamiſia; & ne de cætero Kidelli alicubi ponantur in Tamiſia. Quietum etiam clamavimus omne id quod Cuſtodes Turris noſtræ Londoniæ annuatim percipere ſolebant de prædictis Kidellis. Quare volumus & firmiter præcipimus, ne
D aliquis Cuſtos præfatæ Turris aliquo tempore poſt hoc aliquid exigat ab aliquo, nec aliquam demandam aut gravamen ſive moleſtiam alicui inferat occaſione prædictorum Kidellorum. Satis enim nobis conſtat, & per venerabilem Patrem noſtrum Hubertum Cantuarienſem Archiepiſcopum & per alios fideles noſtros nobis ſufficienter datum eſt intelligi, quod maximum detrimentum & incommodum prædictæ Civitati noſtræ Londoniæ, nec non & toti regno noſtro occaſione Kidellorum illorum proveniebat, quod ut firmum & ſtabile perſeve-
E ret imperpetuum præſentis paginæ inſcriptione & ſigilli noſtri appoſitione communivimus. His Teſtibus Huberto Cantuarienſi Archiepiſcopo, Johanne Comite Moritoniæ, Ran Comite Ceſtriæ, Roberto Comite Leiceſtriæ, Willielmo Comite Arundel, Comite Willielmo Mareſcallo, Willielmo de Sanctæ Mariæ Eccleſia, Petro filio Hereberti, Matthæo fratre ſuo, Sym de Kyma, Seherio de Quinceo. Data per manum Magiſtri Euſtachii Sarum Decani Vices Cancellarii tunc agentis apud Inſulam * Andeliacam decimo
F quarto die Julii, Regni noſtri Anno octavo.

*

Ric. 1. Chart. 2.

Note this.

* Iſle of *Andely* in *Normandy*.

London.

London. 1 Johannis.

Cart. Antiq. C. n. 26.

N. 18.

JOhannes Dei Gratia, &c. Archiepiſcopis, &c. Sciatis. Nos conceſſiſſe Civibus noſtris Londoniæ, quod nullus eorum placitet extra muros Civitatis Londoniæ de nullo placito præter placita de tenuris exterioribus, exceptis Monetariis & Miniſtris noſtris. Conceſſimus etiam eis quietanciam murdri infra urbem & in Portſocha, & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus ſe poſſint diſrationare ſecundum antiquam conſuetudinem Civitatis, & quod infra muros Civitatis neque in Portſocha nemo capiat hoſpitium per vim vel per liberationem Mareſcalli. Hoc etiam conceſſimus quod omnes Cives Londoniæ ſint quieti de Theloneo & Leſtagio & omni alia conſuetudine per omnes terras noſtras citra mare & ultra & quod nullus de miſericordia pecuniæ judicetur niſi ſecundum legem Civitatis quam habuerunt tempore Regis Henrici *Avi* Henrici Patris noſtri. Et quod in Civitate in nullo placito ſit Meſkenninga, & quod Huſtinga ſemel tantum in ebdomada teneatur & quod terras ſuas & tenuras & vadimonia & debita omnia juſte habeant quicunque eis debeant. Et de terris ſuis & tenuris quæ infra urbem ſunt eis rectum teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerunt apud Londoniam & de vadimoniis ibidem factis placita apud Londoniam teneantur. Et ſiquis in aliquam terrarum noſtrarum citra mare vel ultra ſive in portubus maris citra vel ultra Theloneum vel aliquam aliam conſuetudinem ab hominibus London ceperit poſtquam ipſe a recto defecerit Vicecomites London *Namium* inde apud London capiant. Conceſſimus etiam eis quod habeant fugationes ſuas ubicunque eas habuerunt tempore Regis Henrici Avi Henrici Patris noſtri. Inſuper etiam ad emendationem Civitatis eis conceſſimus quod omnes ſint quieti de Bridtol & de Childwite & * Jereſleue & de Scotale, ita quod Vicecomes noſter Londoniæ nec aliquis alius Ballivus Scotale non faciat. Has prædictas conſuetudines eis conceſſimus & omnes alias libertates & liberas conſuetudines quas habuerunt tempore Henrici Regis Avi Patris noſtri quando meliores & liberiores habuerunt. Quare volumus & firmiter præcipimus qnod ipſi & hæredes eorum hæc omnia prædicta hæreditarie & integre habent & teneant de nobis & hæredibus noſtris. Teſtibus Huberto Cantuarienſi Archiepiſcopo Cancellario noſtro, W. Londoniæ Epiſcopo, &c. Data per manum prædicti Huberti Cantuarienſis Archiepiſcopi Cancellarii noſtri apud Sorham decimo Septimo die Junii, Anno Regni noſtri primo.

A B C D E F

* The ſame with *Gereſuma*, ſee *Walling-ford* Chart.

The Citiſens of London *gave* 3000 *Marks for the* Confirmation *of* their Liberties *by this* Charter, *as appears by the* * Oblata Roll *of this year, and it was* left *in the* Hands *of* Geofry Fitz-Peter *until they paid the Money.*

* 1 Johannis, M. 20.

Cives London dant Domino Regi tria Millia Marcarum pro habenda confirmatione Domini Regis de Libertatibus ſuis in Carta, & *liberabitur Galfrido filio Petri* per ſic, Quod ſi illa tria millia Marcarum volunt dare ſuam Cartam habebunt, ſin autem non, Cartam non habebunt.

Winton.

Winton. 1 Ric. 1.

Cart. Antiq. R. n. 30.

N. 19.

A RIcardus Dei Gratia *Rex* Angliæ, *Dux* Normanniæ, &c. Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris & omnibus Ballivis & fidelibus ſuis totius terræ ſuæ, Salutem. Sciatis nos conceſſiſſe Civibus noſtris Wintoniæ *de Gilda Mercatoria*, quod nullus eorum placitet extra muros Civitatis Wintoniæ de ullo placito præter placita de tenuris exterioribus, exceptis Monetariis & Miniſtris noſtris. Conceſſimus etiam eis quod nullus eorum faciat duellum, & quod de placitis ad Coronam noſtram pertinentibus ſe poſſint diſrationare ſecundum antiquam conſuetudinem Civitatis. Hæc etiam eis conceſſimus quod omnes B Cives Wintoniæ *de Gilda Mercatoria* ſint quieti de Theloneo & Leſtagio & Pontagio in feria & extra & per portus maris omnium terrarum noſtrarum citra mare & ultra, & quod nullus de Miſericordia pecuniæ judicetur niſi ſecundum antiquam legem Civitatis quam habuerunt tempore anteceſſorum noſtrorum, & quod terras & tenuras ſuas & vadimonia & debita omnia juſte habeant quicunque eis debeat, & de terris ſuis & tenuris quæ infra urbem ſunt rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Wintoniam & de vadimoniis ibidem factis placita apud Wintoniam teneantur, & ſi quis in tota terra noſtra Theloneum vel conſuetudinem *ab hominibus* Wintoniæ *de Gilda Mercatoria* ceperit, poſtquam ipſe à recto defecerit Vicecomes de Southamton vel Præpoſitus Wintoniæ *Namium* inde apud Wintoniam capiat. Inſuper etiam ad emendandam Civitatem eis conceſſimus quod omnes ſint quieti & de * Jereſgiene & de Scotteſhale ita quod ſi Vicecomes noſter vel aliquis alius Ballivus Sotthale faciat. Has prædictas conſuetudines eis concedimus & omnes alias libertates & liberas conſuetudines quas habuerunt temporibus Anteceſſorum noſtrorum quando meliores vel liberiores habuerunt; & ſi aliquæ conſuetudines injuſte levatæ fuerunt in guerra caſſatæ ſint, & quicunque petierint Civitatem Wintoniæ cum mercatu ſuo de quocunque loco ſint, ſive extranei ſive alii, veniant, morentur & recedant in Salva pace noſtra reddendo rectas conſuetudines, & nemo eos diſturbet ſuper hanc Cartam noſtram. Quare volumus & firmiter præcipimus quod ipſi & *hæredes* eorum hæc omnia prædicta *hæreditarie habeant* & *teneant de nobis* & *hæredibus noſtris*. Teſtibus Waltero Rothomagenſi Archiepiſcopo, R. Bathonienſi, H. Coventrenſi Epiſcopis, Bertram de Verdun, Johanne Mareſcallo, W. Mareſcallo. Data per manum Johannis de Alencon Archidiaconi Lexoviæ Vicecancellarii noſtri apud * Nunancurt decimo quarto die Martii, Anno primo Regni noſtri.

* The ſame with *Gereſuma*, ſee *Walingford* Charter.

* In *Normandy*.

Lincoln.

Lincoln. 1 vel 2 Ric. 1.

Cart. Antiq. F. n. 16.

N. 20.

RIcardus Dei Gratia *Rex Angliæ*, *Dux Normanniæ*, *Aquitaniæ*, *Comes* Andegaviæ Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris & omnibus fidelibus ſuis tam Francis quam Anglis, Salutem. Sciatis nos conceſſiſſe Civibus noſtris Lincolniæ quod nullus eorum placitet extra Civitatem Lincolniæ de aliquo placito præter placita de tenuris exterioribus, exceptis Monetariis & miniſtris noſtris. Conceſſimus etiam quietanciam murdri infra Civitatem & in *Portſocha* & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus ſe poſſint diſrationare ſecundum conſuetudinem Civium Civitatis Lincolniæ, & quod infra Civitatem illam nemo capiat hoſpitium per vim vel per liberationem Mareſcalli. Hoc etiam eis conceſſimus quod omnes Cives Lincolniæ ſint quieti de Theloneo & Leſtagio per totam Angliam & per portus Maris, & quod nullus de Miſericordia pecuniæ judicetur niſi ſecundum legem quam habent Cives noſtri Lundoniæ, & quod in Civitate illa in nullo placito ſit Meskenninga, & quod * Burwaremot ſemel tantum in ebdomada teneatur; & quod terras & tenuras & vadia ſua & debita ſua omnia juſte habeant quicunque eis debeat, & de terris ſuis & tenuris quæ infra Civitatem ſunt rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Lincolniam & de vadiis ibidem factis placita apud Lincolniam teneantur. Et ſiquis in tota Anglia Theloneum vel conſuetudinem ab hominibus Lincolniæ ceperit poſtquam ipſe a recto defecerit, *Præpoſitus* Lincolniæ *Namium* apud Lincolniam capiat. Inſuper etiam ad emendationem illius Civitatis illis conceſſimus quod ſint quieti de Bridtol, & de Childwite & de Gereſgiene & de Scothale, ita quod *Præpoſitus* nec alius Ballivus Scothalam faciat. Has prædictas conſuetudines eis conceſſimus & omnes alias libertates & liberas conſuetudines quas habuerunt vel habent Cives noſtri Lundoniæ quando meliores vel liberiores habuerunt ſecundum libertates Lundoniæ & leges Civitatis Lincolniæ. Quare volumus & firmiter præcipimus, quod *ipſi* & *hæredes* eorum hæc omnia prædicta *habeant* & *teneant hæreditarie* de *nobis* & *hæredibus noſtris* reddendo per annum *novies viginti* libras numero de Lincolniâ cum omnibus pertinentiis ad Scaccarium noſtrum duobus terminis, ad Paſcham, Scilicet, & ad Feſtum Sancti Michaelis per manum *Præpoſiti* Lincolniæ. Et Cives Lincolniæ faciant *Præpoſitum* quem voluerint de ſe per annum qui ſit *idoneus Nobis* & *eis*. Teſtibus his Huberto Cantuarienſi Archiepiſcopo, Willielmo Mareſcallo, Gaufrido filio Petri, Hugone Bam Data per manum Willielmi Elienſis Epiſcopi Cancellarii noſtri apud Winton.

A B C D E

* The Burgh or Folkmot, or Court of the Inhabitants of the Burgh or City.

William Longchamp, *Biſhop of* Ely, *was Chancellor of* England *before he was Conſecrated Biſhop of that place.* Anno Domini 1189. 1 Richard 1. *and was depoſed from his Chancellor-Ship* A. D. 1191. *So that this Charter was dated by him, either in the Firſt, or Second year of King* Richard *the Firſt.*

F

York.

York. 1 Johannis.

JOhannes Dei Gratia, &c. Sciatis nos conceſſiſſe Civibus noſtris de Eboraco omnes libertates & leges & conſuetudines ſuas & nominatim *Gildam* ſuam *Mercatoriam* & *Hanſas* ſuas in Anglia, & Normannia, & Leſtagia ſua per totam Coſtam maris quieta ſicut ea unquam melius & liberius habuerunt tempore Regis Henrici *Avi* patris noſtri. Et volumus & firmiter præcipimus, quod prædictas libertates & conſuetudines habeant & teneant cum omnibus libertatibus prædictæ *Gildæ ſuæ* & *Hanſis* ſuis pertinentibus, ita bene & in pace libere & quiete ſicut unquam melius liberius & quietius habuerunt & tenuerunt tempore prædicti Regis Henrici *Avi* patris noſtri, ſicut Carta ejuſdem Patris noſtri & Carta Regis Ricardi fratris noſtri rationabiliter teſtantur. Præterea Sciatis nos conceſſiſſe & præſenti Carta confirmaſſe omnibus civibus noſtris Eboraci quietanciam cujuſlibet Thelonei, & leſtagii, & * Dewree, & Pontagii, & Paſſagii & de treſpas & de omnibus Coſtivis per totam Angliam & Normanniam, & Aquitaniam & Andegaviam & Pictaviam, & per omnes portus & Coſtas maris Angliæ & Normanniæ Aquitaniæ Andegaviæ & Pictaviæ. Quare volumus & firmiter præcipimus quod inde ſint quieti, & prohibemus ne quis ſuper hoc diſturbet ſuper decem libras forisfacturæ, ſicut Carta Ricardi Regis fratris noſtri rationabiliter teſtatur. Teſtibus G. Eboracenſi Archiepiſcopo, Ph. Dunelmenſi Epiſcopo, Gaufrido filio Petri Comitis Eſſex, &c. Data per manum S Wellenſis Archidiaconi & Johannis de Gray apud Eboracum Viceſimo quinto Die Martii, Anno Regni noſtri primo.

Cart. 1 Johan. p. 1. n. 75.

N. 21.

* Forſan de Wrec.

Norwich. 1 Johannis.

JOhannes Dei Gratia, &c. Archiepiſcopis, &c. Sciatis nos conceſſiſſe Civibus noſtris Norwici quod nullus eorum placitet extra Civitatem Norwici de nullo placito præter placita de tenuris exterioribus, exceptis Monetariis & Miniſtris noſtris. Conceſſimus eis etiam quietantiam murdri & Gawitam infra Civitatem, & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus ſe poſſint diſrationare ſecundum conſuetudinem Civitatis *Londoniæ*, & quod infra Civitatem illam nemo hoſpitetur vel capiat quicquam per vim. Hoc etiam conceſſimus eis, quod omnes Cives Norwici ſint quieti de Theloneo & Leſtagio per totam Angliam & per portus maris, & quod nullus de miſericordia pecuniæ judicetur niſi ſecundum legem quam habent Cives noſtri Londoniæ, & quod in Civitate illa in nullo placito ſit Miskenninga, & quod *Huſtinga* ſemel in ebdomade tantum teneatur & quod terras ſuas & tenuras, & vadia ſua & de vita ſua omnia juſte habeant, quicunque eis debeat, & de terris ſuis & tenuris quæ infra Civitatem ſunt, rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Norwicum & de vadiis ibidem factis placita apud Norwicum teneantur. Et ſiquis in tota Anglia Theloneum vel conſuetu-

Cart. 1. Johan. p. 1. m. 11. n. 146.

N. 22.

dinem ab hominibus Norwici ceperit, poſtquam ipſe a recto defecerit, *Præpoſitus* Norwici. *Namum* inde apud Norwicum capiat. Has prædictas conſuetudines eis conceſſimus & omnes alias libertates & liberas conſuetudines quas habuerunt & habent Cives noſtri Londoniæ, quando meliores vel liberiores habuerunt ſecundum libertates Londoniæ & leges Civitatis Norwici. Quare volumus & firmiter præcipimus, quod ipſi Cives & hæredes eorum hæc omnia prædicta cum Civitate & pertinentiis ejus *hæreditarie habeant* & *teneant* de *nobis* & *hæredibus noſtris*, reddendo per annum *Centum* & *octo* libras Sterlingorum blanceas de Civitate Norwici per manum *Præpoſiti* Norwici ad Scaccarium noſtrum in termino Sancti Michaelis. Et Cives Norwici faciant Præpoſitos de ſe per annum, qui ſint *idonei Nobis* & *eis*. Teſtibus H. Sar. Epiſcopo, S. Wellenſi Archidiacono J. de Gr. Data per manum H. Cantuarienſis Archidiaconi Cancellarii noſtri apud Genom. Viceſimo ſecundo die Septembris anno Regni noſtri primo.

A

B

C

FINIS.

D

E

F

In the Chappel of the Rolls, in the Bundle of Returns of Parlement Writs, in the 14 *of* Queen Elizabeth.

A TO all Chriſtian People to whom this preſent Writing ſhall come. I Dame *Dorothy Packington* Widow, late Wife of Sir *John Packington* Knight, Lord and Owner of the Town of *Aylesbury*, ſendeth Greeting. Know ye, Me the ſaid Dame *Dorothy Packington*, to have choſen, named and appointed my truſty and well-beloved *Thomas Lichfeld* and *George Burden* Eſquires, to be my Burgeſſes of my ſaid Town of *Aylesbury*. And whatſoever the ſaid *Thomas* and B *George*, Burgeſſes, ſhall do in the Service of the Queens Highneſs in that preſent Parliament to be holden at *Weſtminſter* the Eighth Day of *May* next enſuing the date hereof, I the ſame Dame *Dorothy Packington* do ratifie and approve to be my own Act, as fully and wholly as if I were or might be preſent there. In witneſs whereof, to theſe Preſents I have ſet my Seal. the Fourth Day of *May*, in the 14th Year of the Reign of our Sovereign Lady *Elizabeth*, by the Grace of God, of *England*, *France* and *Ireland*, Queen, Defender of C the Faith, *&c.* N. 23.

Aylesbury belon[illegible] to Sr John Packingto[illegible] & 2 members sent [illegible] Parliament by his wi[illegible]

In the Chappel of the Rolls, and Bundle of Returns of Parlement Writs this Year.

D HEc Indentura facta apud Aylesbury in Comitatu Bucks viceſimo octavo die Septembris Anno Regni Dominæ noſtræ Elizabethæ Dei Gratia Angliæ, Franciæ & Hiberniæ Reginæ Fidei Defenſoris, *&c.* Viceſimo Octavo, Inter Edwardum Bulſtrode Armigerum Vicecomitem Comitatus prædicti ex una parte & Johanem Packington Armigerum Dominum Burgi de Aylesbury, & Comunitatem ejuſdem ex altera parte Teſtatur. Quod prædictus Joanes Packington, & E Comunitas ejuſdem Burgi & Villæ virtute Warranti ejuſdem Vicecomitis Ballivo prædicti Johanis Packington directi die & Anno prædictis eligerunt Thomam Tasburgh & Thomam Scot Armigeros Eſſendos Burgenſes pro Burgo & Villa prædicto, ad Parliamentum Dominæ Reginæ apud Weſtmonaſterium Quinto decimo die Octobris proxime futuro tenendum. Et quod iidem Burgenſes plenariam & ſufficientem du poteſtatem pro ſe, Burgo, & Villa prædictis habent ad conſentiendum eis quæ tunc ibidem pro Comuni Conſilio ejuſdem F Parliamenti pro utilitate Regni Angliæ ad dictum Parliamentum favente Deo contigerint ordinari. In cujus Rei Teſtimonium tam prædictus Johanes Packington & Comunnitas Villæ prædictæ, Quam prædictus Vicecomes ſigilla ſua hiis Indenturis alternatim appoſuerunt die & Anno ſupra-dictis. N. 24.

Les Peticions des Citezeins & Burgeis.

Rot. Parl 46 Ed. 3. N. 46. N. 25.

A Noſtre Seigneur le Roi, & ſon noble Conſeil monſtrent ſes Citeſzeins de la Citee de Londres, que come ils neient d'ont vivre, ſi non pur lour Travaille & Franchiſe, ſur queux Franchiſe la dit Citee A eſtoit Fundus. Et à cauſe la dite Franchiſe ils ſoloient Travailler per Terre & Meer en divers Terres à fair lour profit, par quelle Travaille ils ſoloient de divers Terres ameſner divers Merchandiſes à Grant Comune profit de Tout la Roialme Dengleterre, à Grant Eyde & Maintenance de la dite Citee, ſuſtenance & encreſce del Navy de la dite Terre. Et ore tard lour dites Francheſes ſont tolluz encontre la Grante noſtre dite Seigneur le Roy, ſes noble Progenitors Enſealez de ſouz lour ſealez & encontre la Grant Chartre, à Grant Deſtruccion ſi bien B du dite Citee, Comunes Damages de la Terre, Come al dite Navie, ſur quoy ils prionț que lour pleſe avoir Regard, que la dite Citee eſt funduz ſur les ditz Franchiſes, ſaunz queuz ils ne poient la dite Citee Mayntener, ne les Taxes & autres Charges porter come ils ſoloient faire, ſur quoy ils prionț qu'ils puiſſent avoir louz dites Franchiſes ſolonc la Grant noſtre dit Seigneur le Roi, les noble Progenitors, & la Grant Chartre. Et que altiels Grants, & Confirmements des Franchiſes, ſoient faitz as toz altres Citees & Boroghs du Roialme. C

Ro.

Declarent en eſpecial Queles Franchiſes lour ſont Tolluz, & Droit lour ſerra fait.

Retorn. Brev. Parl. 2. Hen. 5. N. 26. Parlement Burgeſſes choſen in the County-Court.

12 Burgeſſes Electors.

HEc Indentura teſtatur quod virtute cujuſdam brevis Domini Regis Roberto Hakebech Vicecomiti Cantebrigiæ directi & D huic Indeture conſuti, facta proclamatione in proximo Comitatu Cantebrigiæ apud Cantebrigian tento die Jovis proximo ante feſtum Apoſtolorum Simonis & Jude, Anno Regni Regis Henrici quinti poſt Conqueſtum ſecundo, Alexander Weſtmerland, Johanes Knapton, Robertus Gerneys, Alanus Huberd, Robertus Attilbrigg, Hen. Topclef, Johanes Sexteyn, Thomas Wexchaundeller, Johannes Abraham, Willielmus Hiſton, Johanes Luſtere, & Willielmus Duke, Burgenſes de Burgo Cantabriggiæ, qui proclamationi illi inter fuerunt *elegerunt Johanem Grenelane, & Johanem Hokynton duos Burgenſes pro Burgo predicto ex aſſenſu totius Commnnitatis Burgi predicti* eſſend. ad parliamentum dicti Domini Regis teneri ordinatum apud Weſtminſterium die lune proximo poſt octabas ſancti Martini proximo futur. Qui quidem Burgenſes plenam & ſufficientem poteſtatem habent pro ſe & Communitatibus Burgi predicti ad faciend. & conſentiendum hiis que tunc ad dictum parliamentum faveņe Domino ordinari contigerit. In cujus rei teſtimonium tam predictus Vicecomes quam predicti Alex. F Johanes, Robertus, Alanus, Robertus, Henricus, Johanes, Thomas, Johanes, Willielmus, Johanes, & Willielmus, preſentibus Indenturis Sigilla ſua alternatim appoſuerunt. Dat. loco die & anno ſupra-dictis.

Hec

HEc Indentura teſtatur quod virtute cujuſdam precepti Domini Regis, Richardo Wright Majori Cantabrigie facta proclamatione in proxima Curia libertatis Ville predicte tenta poſt receptionem ejuſdem precepti die Veneris proximo ante feſtum Purificationis beate Marie Virginis, Anno Regni Regis Henrici Sexti poſt Conqueſtum Viceſſimo ſeptimo Richardus Andrewe, Johannes Neel, Thomas Harman, Johannes Scot, Johannes Colbrok, Johannes Lawe, Robertus Garland, & Johannes Heſhewell, Burgenſes Ville predicte qui proclamatione predicte fuerunt, & illi octo ſecundum conſuetudinem libertatis Ville predicte eligerunt Willielmum Temays & Johannem Croft duos Burgenſes idoneos pro Communitate predicti Burgi Cantabrigie qui plenam & ſufficientem poteſtatem pro ſe & Communitate Burgi predicti habent, ad faciendum & conſenciendum ſuper hiis que in Parliamento Domini Regis apud Weſtminſter duodecimo die Februarii proximo futuro teneri ordinari contigerit juxta formam precepti predicti. In cujus rei teſtimonium predicti Richardus Andrewe, Johannes Neel, Thomas Hayrman, Johannes Scot, Johannes Colbrok, Johannes Lawe, Robertus Garland, & Johannes Heſhewel preſenti Indenturæ Sigilla ſua appoſuerunt dat. die loco & anno ſupra-dictis.

Retorn. Brev. Parl. 27 H. 6. N. 27.

Eight Electo: ſecundum conſuetudinem Libertatis Ville, &c.

HEc Indentura facta inter Johannem Harleſton Armigerum Vicecomitem Comitatus Cantabrigie ex una parte & Majorem Ballivos & Comitates Ville Cantabrigiæ ex parte altera, teſtatur quod idem Vicecomes apud Caſtrum Cantabrigie in pleno Comitatu ſuo ibidem tento die Jovis decimo quinto die Octobris Anno Regni Regis Henrici Sexti Viceſſimo nono virtute brevis Domini Regis preſentibus conſuti, & prefato Vicecomiti directi, eligi feci per octo perſonas ſecundum conſuetudinem Villætæ predicte, Videlicet per Ricardum Togood, Henricum Symmeſſon, Johannem Sergeant, Benedictum Morys, Thomam Hunmale, Johannem Sexteyn, Willielmum Alreth, & Robertum Damay, tunc ibidem preſentes duos Burgenſes Burgi predicti magis idoneos & diſcretos juxta formam predicti brevis videlicet Johannem Cooke, & Johannem Barton Ville predicte plenam poteſtatem & ſufficientem habentes ad conſenciendum & faciendum in parliamento in dicto brevi ſpecificato quod dictum breve in ſe exigit & requirit juxta formam ejuſdem brevis pro ſe & Communitate Ville & Burgi predicti diviſim. In cujus rei teſtimonium tam predictus Vicecomes quam predicti Major, & octo Burgenſes Ville predicte Sigilla ſua preſentibus Indenturis alternatim appoſuerunt data die Anno & loco ſupra-dictis.

Retorn. Brev. Parl. 29 H. 6. N. 28. Burgeſſes chóſen in the County-Court.

Eight Electors ſecundum conſuetudinem Villæ.

Et

Patent 1 Jac. 2. in capella Rot. N. 29. Nova Windsor.

ET insuper Voluinus at per presentes ordinamus & de uberiori gratia nostra speciali pro nobis heredibus & succesſoribus nostris concedimus prefato Majori Ballivis & Burgensibus & Succeſſoribus suis quod in perpetuum sint & erint in Burgo predicto viginti octo homines vel aliquis alius numerus non excedens numerum triginta in numero tantum, de melioribus & probioribus Inhabitantibus ejusdem Burgi de tempore in tempus in hujusmodi modo & forma eligendos & A
constituendos *sicut ex antiquo & temporibus retroactis secundum ordinationes, usus, & consuetudinem Burgi illius antehac usi fuerunt & consueverunt*, qui erunt, vocabuntur, & nominabuntur fratres Guildhall Burgi de Nova Windsor, ac sic continuabuntur & permanebunt in Fraternitate illa quamdiu seſe bene geſſerint in eadem, Nisi interim pro aliqua causa rationabili ab officio & loco predictis amovebuntur, aut eorum aliquis amovebitur Qui quidem fratres sic in forma Superius specificati, electi, prefecti, & nominati facient & erunt, B
& in perpetuum futuris temporibus *vocabuntur commune Concilium Burgi predicti* pro omnibus rebus, materiis, causis, & negotiis Burgum predictum ac bonum regimen, Statum, & Gubernationem ejusdem Burgi tangentibus sive concernentibus ac erunt de tempore in tempus assistentes & auxiliantes Majori & Ballivis ejusdem Burgi pro tempore existentibus, in omnibus causis & materiis eundem Burgum tangentibus sive concernentibus volumus; in super ac per presentes pro nobis heredibus & succeſſoribus nostris ordinamus & concedimus quod C
ex numero predicto fratrum Guildhalde Burgi predicti sic ut prefertur electorum & prefectorum eligendorum & preficiendorum tres decim eorum in perpetuum de cetero erunt, & vocabuntur ac nominabuntur Socii Anglice les Benchers Burgi predicti, Ac etiam erunt & perpetuis futuris temporibus vocabuntur, & nominabuntur Socii, Anglice *the Benchers of the Guildhall* infra Burgum predictum ac informa inferius in presentibus mentionata de tempore in tempus eligentur & constituentur Ex quoque quidem tres decim Sociorum numero sic D
electorum & prefectorum eligendorum & preficiendorum decem eorum in perpetuum de cetero erunt, vocabuntur, & nominabuntur Aldermani sive Primarii Socii Anglice les Chiefe Benchers Burgi illius, Qui quidem Aldermani sive Primarii Socii Anglice les *Chiefe Benchers* Burgi predicti de tempore in tempus eligendi & constituendi informa inferius in presentibus mentionata & expreſſa de tempore in tempus eligentur & constituentur, Ex quoque quidem decem Aldermannorum numero unus Anuatim elegetur in officium Majoris E
Burgi predicti, modo & forma inferius Specificatis, & Officio suo Majoris Burgi predicti peracto deinde perpetuis futuris temporibus erit, vocabitur & nihilominus remanebit unus de Aldermannis sive Primariis Sociis, Anglice lez *Chiefe Benchers* Burgi predicti, Et ulterius volmus ac per presentes pro nobis heredibus & Succeſſoribus nostris ordinamus quod de cetero in perpetuum sint & erunt in Burgo predicto duo Ballivi in numero tantum de fratribus Burgi predicti in forma his literis Patentibus Specificata eligendi, & constituendi. F

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